



**REPORT
OF
THE STUDY TEAM
ON
PROHIBITION**

Volume I



**PLANNING COMMISSION
GOVERNMENT OF INDIA**

D.O. No. CH.PST/Misc/64

15th April, 1964

Dear Shri Asoka Mehta,

We were appointed by the Planning Commission to study the problems connected with the enforcement of prohibition and excise laws, measures to reduce illicit traffic in liquor, to improve administrative efficiency and to secure to the maximum extent public support for the programme through official and non-official agencies: *vide* Resolution of the Government of India, Planning Commission No. 16(5)/63-PUB, dated 29th April, 1963. We have completed our enquiries on the matters specified in the terms of reference and have pleasure in submitting the first volume of our Report embodying our findings and recommendations. This volume is divided into two parts. The first part brings out certain facts about alcohol which we believe to be essential to an understanding of the problems and the various abuses and malpractices with respect to liquor prevalent both in dry and wet areas. The second part has a more direct bearing on our terms of reference, analyses the magnitude of the liquor problem both in real and financial terms and embodies our conclusions for an integrated solution to the problems.

2. We will submit sometime later the second volume of our Report which will include not only a regional approach to the facts and the problems of liquor policy in the different States but also a more detailed analysis of certain specific problems.

3. I wish to convey to you my own and my colleagues' deep appreciation of the valuable assistance received from the Planning Commission from time to time in the course of our deliberations.

With kind regards,

Yours sincerely,
TEK CHAND,

Shri Asoka Mehta,
Deputy Chairman,
Planning Commission,
New Delhi.

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सत्यमेव जयते

Part I
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INTRODUCTORY



सत्यमेव जयते

CHAPTER I

INTRODUCTION

Appointment and Scope of Study

The Study Team on Prohibition was appointed by the Planning Commission *vide* their Resolution No. 16(5)/63-Pub., dated the 29th April, 1963. The Resolution appointing the Study Team also indicated the purpose of the Study and its scope as follows :

“The Government of India recently reviewed the position in consultation with the State Governments and decided that the working of the Prohibition programme should be studied for the country as a whole. Such a study will cover problems connected with the enforcement of Prohibition and Excise Laws, measures intended to reduce illicit traffic in liquor, improving administrative efficiency and securing to the maximum extent public support for the programme through the co-operation of both official and non-official agencies”.

Composition

2. The Team consisted of—

Chairman

1. Shri Justice Tek Chand, Retired Judge of the Punjab High Court.

Members

2. Shri R. S. Krishnaswamy, Programme Adviser, Planning Commission.
3. Dr. A. M. Khusro, Professor of Economics, Institute of Economic Growth, Delhi.

Shri R. S. Krishnaswamy was unable to serve on the Team and in his place Shri L. M. Shrikant, Secretary, Gandhi Smarak Nidhi, was appointed a Member with effect from 26th July, 1963.

Terms of Reference

3. The Terms of Reference of the Team were:

- i To make an assessment of the magnitude of illicit distillation and illicit sale and other abuses prevalent in both wet and dry areas.
- ii To suggest practical measures for reducing illicit traffic in liquor and combating other abuses and malpractices.
- iii) To advise as to how better implementation of the Prohibition Programme could be ensured through official and non-official agencies.
- iv To examine the existing legislations on Prohibition and make suggestions for removing defects and for securing effective enforcement.

- v To examine the existing administrative set-up in the States with particular regard to the personnel, their recruitment, their training, the powers entrusted to them in their methods of work.
- vi To make suggestions for securing to the maximum extent the co-operation of Voluntary Organisations in the implementation of the programme and mobilisation of people in support of Prohibition.
- vii To study the financial aspects of the Prohibition Programme, both in regard to the actual loss in excise revenue and the cost of enforcement.

Questionnaire

4. The Study Team issued a Questionnaire, which is printed as Appendix I to this Report. The Questionnaire was sent to State Governments with a request to give it wide publicity and to send copies to Members of Parliament from the States, Members of the State Legislatures, non-official organisations, social workers and other individuals actually engaged in the Prohibition programme or interested in it. Besides the State Governments, non-officials, individuals and organisations have sent replies to the Questionnaire. The total number of replies received is 175. These include 30 replies from Members of Parliament and State Legislatures. Some Members of Parliament and State Legislatures met the Team during its visit to the States and gave evidence from their personal knowledge and experience of the areas they represented.

States visited

5. The Team has visited so far 12 States and one Union Territory, namely :—

1. Andhra Pradesh
2. Gujarat
3. Jammu & Kashmir
4. Madhya Pradesh
5. Madras
6. Maharashtra
7. Mysore
8. Orissa
9. Punjab
10. Rajasthan
11. Uttar Pradesh
12. West Bengal
13. Himachal Pradesh

The Team has yet to visit Assam, Bihar and Kerala besides the Union Territories. The programme of the Team in the States included visits to the rural and urban areas.

In each of the States visited, the Team met the Chief Minister, the Minister for Finance, the Home Minister, the Minister for Excise and the Minister for Law and discussed with them the problems entrusted to it. Discussions were also held with officials connected with the enforcement of Prohibition in the dry States and Excise administration in the States where

Prohibition has not yet been introduced. Members of Parliament and of the State Legislatures, prominent non-officials, social workers, members of judiciary, presidents of bar associations and advocates and office-bearers of trade unions were invited to meet the Team and generally the response was satisfactory. A list of non-officials and officials in the various States, with whom discussions were held, is given in Appendix II to this Report.

6. We have also had the benefit of discussions on the various matters referred to us, with the Deputy Chairman and the Member (Agriculture) of the Planning Commission, the Union Minister for Home Affairs, the Finance Minister, the Minister for Steel, Mines and Heavy Engineering, and Shri Morarji Desai, the former Finance Minister.

Procedure for Enquiry

7. In view of the delicate nature of the enquiry the Team felt that it would infuse greater confidence in the officials and non-officials and induce them to speak out their mind freely on all topics if the procedure adopted by the Team was flexible. Accordingly, in the discussions on the various problems with officials and non-officials, the Team did not record their evidence formally but only kept notes of discussions for its own use. This had the merit that while the views of the various persons and associations went on record, their specific statements were not separately recorded. This procedure was found acceptable to the officials and non-officials, and we believe that it enabled us to have full and frank discussions with them.

Scope of the Report

8. The Report will be in two volumes. The present volume of our Report is divided into two parts. The first part not only aims at describing the facts about liquor which we believe to be essential for a clear understanding of the problem, but also endeavours to bring to light the various abuses and malpractices with respect to liquor both in dry and wet areas. The second part has a more direct bearing on our terms of reference and brings to light, analytically, the magnitude of the liquor problem both in real and financial terms and seeks to find an integrated solution to the problem through a multi-pronged attack from all directions.

9. We propose to bring out a second volume sometime later which, it is hoped, will contain not only a regional approach to the facts and the problems of liquor policy in the different States of India but also a treatment of certain specific problems which may require a more specialised analysis.

Layout of the Present Volume

10. The present volume consisting of 45 chapters is so arranged that it falls conveniently into six Sections. The first three chapters are of an introductory nature and the following three deal with drinking habits in ancient societies as also with the experience of the U.S.A. and some other countries with respect to drinking and prohibition laws. The third group of chapters—VII to XIII—provides some basic information about alcohol, alcoholism and the effect of alcohol on specific groups such as the armed forces and other workers like drivers and machinists. The opinion of medical science about alcohol may be found to be of use for a better

appreciation of the nature and the effects of drinking. Consideration has been given to the question of detection of inebriety as also to the appliances for determining the degree of inebriety and alcoholic content of liquors.

11. The group of 13 chapters—XIV to XXVI—represent an attempt to detect and bring to notice the various abuses and malpractices in dry and, to a rather more limited extent, in wet areas. We have dealt with the problems of illicit distillation, illicit tapping and smuggling and their attendant evils, namely, bootlegging, gangsterism and racketeering which put great pressures on the morale of the enforcement agency through graft and corruption. Four chapters have been given to these problems and three to the diversion and misuse of imported liquor, the misuse of toddy, and the impact of drinking by the world of fashion and officials. To this group also belong the chapters on the misuse of spirituous, medicinal, toilet and other preparations and on the misuse of molasses and other raw materials. We end this group of chapters with a discussion of the attitude of the wet States towards liquor revenue, and in contrast, the relative success of prohibition in Gujarat and Madras.

12. Part II of our present volume (chapters XXVII to XLV) is addressed more directly and specifically to the terms of reference. This part contains the fifth and the sixth group of chapters. The fifth group of three chapters is devoted to economic analysis, subject of course, to the limitation of data. Chapter XXVII estimates the prevalence of drinking habits in different degrees in different parts of the country, the percentage of expenditure devoted to drinking and the relative preference of the population for hard and mild liquors. The following chapter attempts to estimate, however, roughly, the magnitude of illicit distillation and the drinking bill of the country. Chapter XXIX deals with financial losses to the fiscal authorities and balances these against the gains to those authorities through other sources of revenue consequent upon prohibition. It also attempts an estimate of the net gain or loss to the society in financial terms.

13. In the final group of chapters, from Chapter XXX onwards, we devote our attention to an integrated solution to the problem of liquor. Our suggestions amount to a many-sided attack and our broad strategy of the solution is dealt with in Chapter XXX. Chapters XXXI and XXXII deal with the legal issue. Not only do they highlight the abuses of the law and the difficulties of enforcement, but attempt a rather comprehensive treatment of the problem of tightening the law and bringing about uniformity in place of the great diversity which now prevails. The following two chapters deal with public opinion and the role of the press, both of which are important agents in any successful policy of prohibition or temperance. Chapters XXXV and XXXVI which also belong to the same group, are concerned with the educational and publicity solution and the role of voluntary organisations. In Chapter XXXVII, we discuss the administrative set-up in relation to liquor and the following chapter treats matters relating to the supply of intoxicating liquor, the price and tax policy and the abuses of the supply mechanism.

14. The following six chapters—XXXIX to XLIV—are perhaps pivotal. The first of these presents our recommendations for a phased programme for wet areas in order that they may go dry over a period of years. The next chapter deals with the question of liquor for foreign visitors. Chapters XLI, XLII and XLIII are concerned with policy for the dry areas. Here we examine the basis of the present permit system for hard liquors

and of a proposed permit system which we believe to be more in line with the present day needs of certain areas. These chapters are concerned with an economic attack on illicit distillers and other violators of law partly through the availability of mild alcohol under controlled conditions and partly through a liberalisation of toddy within specified constraints. After giving our own solutions, we present in Chapter XLIV a brief critique of the recent liquor policy announced in Maharashtra. Our final chapter on conclusions sums up the different lines of attack which we have recommended in Chapters XXXI to XLIV.

15. For the sake of convenience, a summary of our Report highlighting our recommendations has been added.

16. We wish to thank the State Governments for their cooperation and assistance in making our task easy and for their generous hospitality during the visits to the individual States. We wish also to acknowledge the assistance given by the State officials in placing at our disposal information and material bearing on our enquiry even at considerable personal inconvenience. The Planning Commission had also extended in a full measure their assistance and cooperation and this considerably facilitated our work. We wish to acknowledge gratefully the pains taken by the non-official individuals and organisations who met the Team and by those who answered our Questionnaire without which our Report would not have been possible. Some organisations such as the Institute of Economic Growth, Delhi, the Delhi School of Social Work and the Labour Bureau of the Ministry of Labour and Employment, Simla, provided us facilities for research or undertook some studies on our behalf. For this we are very thankful.

Appreciation

17. We also wish to acknowledge the invaluable help rendered to the Team by Sarvashri S. K. Borkar, Drugs Controller, India, V. R. Bapat, Excise Commissioner, Delhi and H.K.D. Tandon, Director of the Public Cooperation Division, Planning Commission. The Secretary, Shri S. Narayanswamy, organised the work of the Team, kept his eye on many a detail and also helped with useful suggestions.

18. We acknowledge the work of the staff attached to the Team and the Public Cooperation Division who had very often to put in long hours and even worked on holidays. In particular, we wish to mention as a token of our appreciation, Shri K. D. Sharma and Shri V. P. Sharma, who did not spare themselves and worked indefatigably.

CHAPTER II

TERMS AND PHRASES

Though most of the expressions used are well-known, some of them have their technical and peculiar meanings. We have thought it desirable that explanation of certain terms, their technical and also their usual meaning may be given for ready reference.

Absolute Alcohol

Absolute alcohol is obtained from rectified spirit by removing the water content as much as possible by treatment with quick-lime or potassium carbonate. The term absolute alcohol is a relative one. Commercially the name is given to any spirit stronger than that which can be produced by distillation alone. The absolute alcohol of the British Pharmacopoeia should not contain more than one per cent by weight water and has a density ranging between 0.794 to 0.7969 at 60°F. The densities are equivalent, respectively to 99.95 and 99.4 per cent of alcohol by volume. It tends to absorb water rapidly from air when exposed for even a short time.

Alcohol

Etymologically, it is an Arabic word 'Al-Kohl' meaning the fine powder of sulphide of antimony or collyrium used for darkening the eye-lids. The use of this fine metallic powder for staining the eye-lids is well-known in the East. By extension of use, it also meant, any fine powder produced by trituration or by sublimation. The idea of sublimation was extended to fluids and the term was employed to indicate essence or spirit obtained by distillation or rectification. In the sense of essence of wine, the term was directly applied as meaning "alcohol of wine". The chemists used the word to indicate any fine highly rectified spirit. In this sense, the term alcohol is used in an abbreviated form for alcohol of wine. Alcohol in the modern sense is the pure or rectified spirit of wine or the intoxicating element in fermented liquors. In its popular sense, alcohol is often used to indicate any liquor which contains this spirit. Alcohol is "absolute" when it is entirely free from water. Alcohol can be produced by fermentation of any substance containing sugar.

Ale

is an intoxicating liquor made from an infusion of malt by fermentation of barley, and other farinaceous substances. Various ingredients are added to impart flavour, e.g. hops or bitters.

Alky Cooker

is a term used in the United States for a distiller of home-made alcohol.

Ardent Spirits

(See Spirituous liquors).

Bar

is a barrier or counter from which liquors are passed to customers.

Bar Room

is a place from which intoxicating liquors are sold; a room containing a bar or counter at which liquors are sold to be drunk on the premises. It is synonymous with "tavern" and "tippling house".

Bartender

is a person who serves the patrons with drinks and refreshments in a saloon.

Beer

is an alcoholic liquor produced by the fermentation of malt or other saccharine substances, flavoured with hops or other aromatic bitters. The name is applied to fermented liquors of various kinds.

Beer Garden

is a place where intoxicating liquors are sold.

Blind pig or Blind tiger

is a place where intoxicating liquors are sold on the sly in violation of law.

Bootleg

is a word meaning to carry liquor about on the person and sell it at places where the sale of liquor is prohibited.

Bootlegger

refers to one engaged in the unlawful disposition of intoxicating liquor as a business, as implying more than mere possession of prohibited liquors. He is a person who sells intoxicating liquors on the sly where it is prohibited.

Brandy

is an ardent spirit distilled from wine or grapes. The name is applied to spirits obtained from other materials and of similar flavour and appearance. As the right type of grapes for production of wine is scarce in India, most of what is marketed is imitation. Such brands are made from diluted rectified molasses, spirits coloured and sweetened with caramel and cane sugar syrup dosed with artificial essences. Among the imported brandy the French brandy known as 'Cognaces' is famous. Its saleable strength is 25° u.p. or 75° proof. It is extracted from the lees of wine.

Cider

when it is sweet or unfermented apple juice, is not classed as a spirituous liquor. Sometimes it is known as "preserved sweet cider", when it is without alcoholic content; and the possibility of the natural development of alcohol has been prevented through treatment or the use of preservative.

Crime Syndicate

is an aggregate of organised criminals which through strong-arm methods controls any vice or business it may choose to enter.

Denatured Spirits

Denatured spirits are plain spirits which have been rendered effectually and permanently unfit for human consumption. They are used only for non-potable purposes, such as burning, lighting and in manufacturing processes. They are also used in alcohol based industries as one of the ingredients. Such spirits are excised at a much lower rate. To prevent their abuse for potable purposes they are rendered nauseous. This is effected by the addition of some substance that is not easily removed. The substance originally used for this purpose was wood naphtha or crude methyl alcohol. The practice as regards denaturants is now uniform in India and the agents used are half per cent caoutchouc and half per cent pyridine bases. Such spirit is commonly known as ordinary denatured spirit. Spirit required for industrial purposes is denatured with other special denaturants listed by the Government of India. The denaturants when added to alcohol render it unsuitable for beverage purposes although the liquor so treated is suitable for industrial use. The United States Government has prescribed officially 75 formulae using various denaturants according to the purpose intended.

Dispensary

is a place where intoxicating liquor is sold under Government authority.

Dispensary System

means the sale of liquor through State-owned retail liquor store.

Distillation

is a process of vaporising a substance by means of heat and then the vapour is condensed by exposing it to cold. By this way, one of the constituents of a substance is obtained in a state of concentration or purity. Distilled liquor is a spirituous liquid obtained by such a process when it is heated and the vapours emitted are condensed in minute drops of liquid.

Distilled Country Liquor

means plain or ordinary spiced or special spiced spirit which has been made in India from materials recognized as basis for country spirit, namely, mahua, rice, gur or molasses, and on which duty has not been imposed at the rates fixed for importation of spirit from abroad.

Distiller

is a person whose occupation is to extract spirits by distillation.

Distillery

is a place or building where alcoholic liquors are distilled or manufactured.

Drakshasava

means grape wine. It is a compound word: Draksha meaning grape and Asava, wine.

Dramshop

is a place where spirituous liquors are sold by dram or drunk. It is synonymous with saloon.

Drink

means an alcoholic beverage.

Drinking Shop

is a place where liquors are sold to be drunk on the premises.

Dry

a supporter of prohibition.

Ethyl Alcohol

is a volatile, inflammable, colourless liquor (C_2H_5OH) of a penetrating odour and burning taste, derived principally from sugar, and sugar giving substances as by fermentation and subsequent distillation. It is the intoxicating principle of wines and fermented beverages.

Fermentation

is a chemical decomposition of organic compounds which were induced by living organisms in them or by chemical agents.

Gin

differs from whisky and brandy in that the flavour is not carried from the fermented mash but is added from aromatic source, principally juniper, berries or turpentine, before or after distillation of the alcoholic fraction. Imitation gin is made of compounding silent spirits and gin essences. Its saleable strength is 23° u.p. or 65° proof.

Grogshop

same as drinking shop.

High ball

a "long" drink, consisting of whisky ("ball") to which is added soda-water, mineral water, or some other effervescent, the mixture being served in a tall ("high") glass with broken ice.

Hard or Fermented Cider

is an intoxicating drink.

High Licence System

is a policy of charging the owners of saloons a large annual tax in order to regulate the number of saloons.

Hijacker

is a robber of a bootlegger.

Home-brew

is the name given to malt liquor which is made in the home containing the intoxicating properties of beer.

Honky-Tonk

is a low drinking resort.

Hootch

means intoxicating liquor illicitly distilled for beverage purposes.

Intoxicating drug

in contrast to 'intoxicating liquor' means—

- i. the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis Citva* L) including all forms known as bhang, siddhi or ganja;
- ii. charas *i.e.*, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;
- iii. any mixture with or without neutral materials of any of the above forms of intoxicating drug or any drink prepared therefrom; and
- iv. any other intoxicating or narcotic substance which the State Government may by notification declare to be an intoxicating drug as defined in Sec. ii of the Dangerous Drugs Act, 1930.

Intoxicating Liquor

includes any liquor intended for use as a beverage or capable of being so used, which contains such a proportion of alcohol that it will produce intoxication when imbibed in such quantities as it is possible for a man to drink.

Joint

is a place where the unlawful sale of intoxicating liquor is carried on.

Lager Beer

is a malt liquor made by fermentation containing one-half of one per cent or more of alcohol by volume and not more than four per cent of alcohol by weight. It is an intoxicating liquor.

Local option

with respect to intoxicating liquors, is intended to confer on the people of a locality the power to decide whether liquor shall or shall not be sold in such locality. It is an election in which communities may vote to close up the saloons within their area.

Liqueur

is a French word and indicates an alcoholic liquor sweetened and flavoured with aromatic substances.

Liquor

in its specialised sense, means an alcoholic beverage produced by fermentation or distillation, containing specific percentage of ethyl alcohol by volume or by weight or by strength.

Lugdi

is a fermented rice beer and is used in the Himalayan range as an intoxicating beverage.

Madi

is the name of the sap from coconut tree which is drunk as an intoxicating beverage after it is fermented.

Malt

barley or other grain steeped in water and dried in a kiln thus forcing germination until the saccharine principle has been evolved.

Malt liquors

The malt liquors properly so called are beer, ale, stout and porter. These are made, where malt and hops are used, by steeping specially prepared or 'malted' grain in water; the solid matter is then strained off; this strained liquid is fermented by adding specially prepared yeast. After fermentation is over, the liquid is allowed to settle and is then casked for use. Ale, stout, porter and lager are important varieties.

Medicated Wines

are wines in which medicinal substances have been dissolved or mixed and which have a prescribed dosage.

Molasses

means the heavy, dark coloured residual syrup drained away in the final stage of the manufacture of sugar by vacuum pans or in open pans in sugar factories either from sugarcane or by the refining gur; when such syrup has a density of not less than 75 degrees brix and a fermentable sugar content (expressed as reducing sugars) of 19 per cent.¹

Also means the mother liquor produced in the final stage of manufacture of sugar by the vacuum pan process from sugarcane or gur.²

Moonshine

means a spirituous illegal liquor which has been smuggled or illicitly distilled or produced for beverage purposes. "Shiny" is a contraction of the word "moonshine".

Moonshine still

is an apparatus maintained in any deserted, secluded, secret or solitary place away from the observation of the general public for the purpose of distilling liquor contrary to law.

Near Beer

is a term commonly used to indicate malt liquors which contain so little alcohol that they will not produce intoxication although drunk to excess. In reality, it is an imitation beer. Near beer looks, smells and tastes like beer.

Neera

is the fresh unfermented sap of various species of palm trees; when fermented it is called toddy.

Pachwai or haza or Darbahra

means fermented rice, malt or any other grain, whether mixed with any liquid or not and any liquid obtained therefrom whether diluted or undiluted.

Plain country spirit

is the spirit produced from the recognized base in its plain state i.e. uncoloured, and unflavoured. It is known in excise parlance as plain country spirit and is excised as such.

¹Vide Sec. 2(c) of the East Punjab Molasses (Control) Act, 1948 (Act 9 of 1948).

²Vide clause 2(a) of the Molasses Control Order, 1961 made under Sec. 18 G of the Industries (Development & Regulation) Act, 1951 (65 of 1951), published in the Gazette of India, Part II, Sec. 3(ii), dated 8th April, 1961/Chaitra 18, 1883.

Porter

is the name of a variety of beer. It is a malt liquor of a dark brown colour moderately bitter and possesses intoxicating qualities. It is a fermented and not a spirituous liquor.

Proof

The excise law frequently refers to percentage of the proof spirit. It is a standard of measure of alcoholic contents in liquor. It is a mixture of alcohol and water which at the temperature of 51° F weighs exactly (12/13) parts of equal measure of distilled water. Proof spirit at the temperature of 60° F has a specific gravity of 0.91976. It contains 49.3 per cent of alcohol by weight or 57.10 per cent of alcohol by volume at 60° F. This standard mixture is 100 per cent proof. Spirits weaker than the standard are described as so many degrees or so much per cent under proof (u.p.). Thus spirit of 25° u.p. contains at 60° F 75 measures of proof spirit and 25 measures of water, pure water is 100° underproof. 50° under proof spirit contains equal measures of proof spirit and water.

Over Proof (o.p.) spirits which are stronger than proof spirit are described according to the number of measures of proof spirit than 100 volume would yield when suitably diluted with water. Absolutely pure alcohol is 75½ degrees o.p. and contains when diluted with water yield 175½ volumes of spirit as proof. A detailed explanatory note will be found in Chapter III.

Proof Spirit

The term "proof spirit", as used in the United States refers to a product containing 50 per cent by volume of C_2H_5OH it is designated as 100 per cent proof alcohol. The strength of any other solution of ethyl alcohol may be expressed in "Proof" by multiplying the concentration of C_2H_5OH by volume by two.*

Rectified Spirit

is the name to the most concentrated alcohol obtained by ordinary distillation. It is silent spirit which should be not less than 43° over proof.

Rum

is a spirituous beverage prepared by fermentation, distillation and aging from cane molasses and the scum and foam formed during boiling of sugarcane. Rum has yellowish brown colour of fine couguet and is sweet. It is not usually imitated artificially. Its saleable strength is also 25° u.p. or 75° proof.

Rum row

was a line of liquor ships outside the United States territorial water during prohibition days.

Sake

is a Japanese beverage manufactured from rice by process of fermentation. It is amber coloured and is heated before being drunk.

*The Dispensatory of the United States of America, 1960 edition.

Saloon or liquor saloon

is a shop or a room where intoxicating liquors are sold at retail or consumed.

Schnapps

is a word of German derivation but has been adopted in English and designates gin manufactured at Schiedam. It also means Holland Gin.

Sendhi

is a fermented drink made from the sap of the wild date tree.

Speak-easy

is an illegal drinking place during the period of national prohibition in the U.S.A.

Special spiced country spirit

It is a matured spiced spirit. The saleable strength of country spirit varies from state to state. In Delhi, it is 50° u.p. (or 50° proof).

Special country spirit

is a spirit redistilled after the addition of flavouring and spices to plain spirit. To suit special Indian taste, indigenous spices and flavouring matters such as lemon, cardamom etc., are added to plain country spirit. The mixture is then redistilled, and the spirit thereafter recovered from the still is known as spiced spirit.

Still

is a device or apparatus capable of separating alcohol from any liquid containing it. The term is applied to a vessel, drum, boiler or copper used in distilling liquors.

Spirit

means any liquor containing alcohol obtained by distillation, whether it is de-natured or not.

Spirituous liquors or ardent spirits

are synonymous and have been defined as intoxicating liquors produced by distillation or by rectifying, compounding or otherwise treating or using distilled alcoholic fluids in distinction from fermented or brewed intoxicating beverages.

Sugar factory

means any premises, including the land, godowns or outhouses appurtenant thereto, whereon twenty or more workers are working or were working on any day of the preceding 12 months and in any part of which a manufacturing process connected with the production of sugar by means of vacuum pans or in open pans is being carried on, or is ordinarily so carried on, with the aid of power.*

The above is a general definition, but for special purposes a narrower definition has been provided so as to confine it to production of sugar by means of vacuum pans. The narrower definition as given in clause II(b)

*Vide Sec. 2(d) of the East Punjab Molasses (Control) Act, 1948 (Act 9 of 1948).

of the Molasses Control Order 1961, is as follows:

Sugar factory means an industrial undertaking in any part of which a manufacturing process connected with the production of sugar by means of vacuum pan process is being carried on and is ordinarily so carried on with the aid of power.*

Tipple

as a noun means liquor or drink. As a verb, it means to drink intoxicating liquor, usually in excess or habitually.

Toddy or Tari

is the sap obtained from the incised spathes of various species of palms, specially the wild dates, the coconut, the palmyra, the sago palms or any other kind of palm tree used as a beverage. Toddy is intoxicating liquor produced by its fermentation.

Vinous liquors

are made from the fermented grape juice or berries though *ex vi termini* it means liquor made from the fermented juice of the grape.

Wash

is a fermented wort or a dilute solution of sugar from which spirit is distilled. Extraction of the spirituous liquor by distillation is made from the wash.

Wet

means an opponent of prohibition.

Whisky

is a spirituous liquor distilled originally in Ireland and Scotland from malted barley or other cereals and in the United States chiefly from maize or rye. It is an alcoholic beverage produced from malted and unmalted cereal grains such as barley, barley malt, rye, oats or maize. Whisky made from pure barley malt only is known as 'Malt Whisky'. Whisky distilled from pot-still is popular. Most of the 'Scotch' and 'Irish' imported whisky belongs to this class. In India most of the whisky is prepared in imitation of the imported whisky by addition of essences etc. Its saleable strength is 25° u.p. or 75° proof.

Wines

are alcoholic beverages obtained by fermentation of grapes and raisins and in a wider sense they include fermented liquor made from the juice of other fruits or from grain, flowers, the sap of various trees. The fruits in question are first pulped and then allowed to ferment naturally. The saleable strength of wines does not exceed 42 per cent proof or 58° u.p.

Wood Alcohol or Wood naphtha or Methyl alcohol

is a colourless liquor which burns with a blue flame. It is used as a solvent for resins and varnishes, as a fuel in the same way as ordinary alcohol, as a starting product in the manufacture of formaldehyde and as a denaturant for ordinary alcohol. It should never be used externally as a liniment; when taken internally it produces intoxication, vertigo, coma, blindness, and even death; hence, its use in beverages, etc., is exceedingly dangerous.

*Vide clause II(b) of the Molasses Control Order, 1961, made under the Industries (Development & Regulation) Act, 1951 (65 of 1951), published in the Gazette of India, Part 2, Sec. 3(ii) dated April 8, 1961/Chaitra 18, 1883.

CHAPTER III

DRY AND WET REGIONS AND PREVAILING PROOF STRENGTHS

There are some dry, some partially dry, and some wet areas in the country

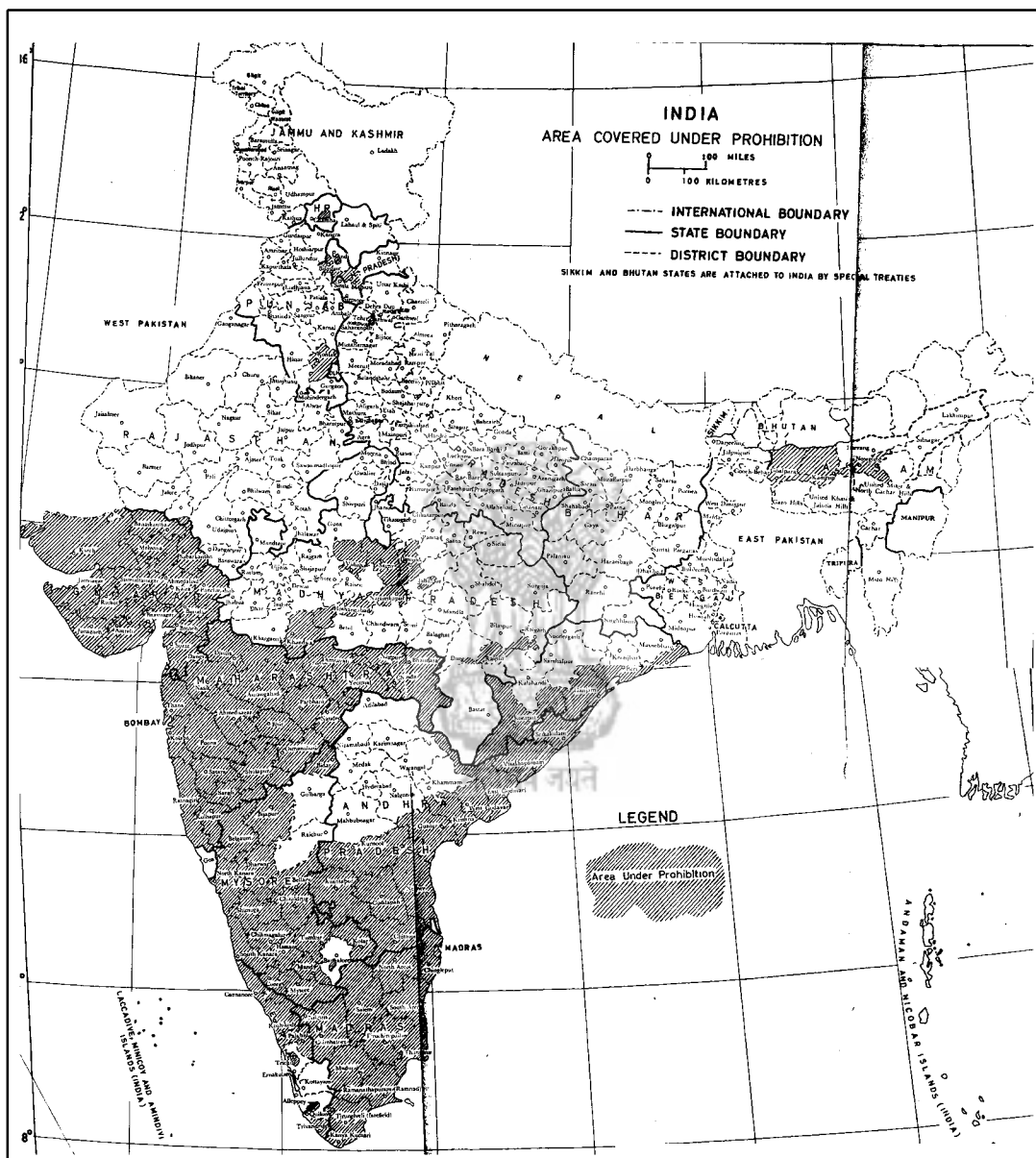
It is important for a proper appreciation of this Report, to know which are the wet and which the dry areas of the country and when an area was declared dry. Table 1 gives the present position and Statement 1 a brief history of the introduction of prohibition. It will be seen that Madras (including as it did 11 districts of Andhra) introduced prohibition in 1946-47 and Maharashtra and Gujarat (formerly Bombay) did so in 1948-49, or, more accurately, over a phased out programme during 1948-49, and 1950-51. These are the only completely dry states in the country. At the other extreme there are the completely wet states of Bihar, Jammu & Kashmir, Uttar Pradesh and West Bengal. Uttar Pradesh had introduced prohibition in 1947-49 in 11 out of its 54 districts but has recently chosen, for all practical purposes, to scrap it. Rajasthan, with only a single dry tehsil may be treated as practically completely wet. The remaining states have prohibition in a part of their territory, that is, in atleast one district. To this category belong Punjab and Himachal Pradesh. Assam has three, Madhya Pradesh has seven and Orissa has five districts either wholly or partially dry and less than half their area is covered by prohibition. In the case of Andhra Pradesh, Kerala and Mysore more than half the districts and the acreage is under a dry set-up. Although our classification of dry and wet states has altered in this Report depending upon the nature of the problem at hand, for most practical purposes it would be wise to treat Madras, Gujarat and Maharashtra as one category (completely dry), Andhra, Kerala and Mysore as another (largely dry) and the rest as more or less wet states.



TABLE I (a)
Statewise Area and Population in Dry and Wet Areas

Area : in thousand square miles.
Population : in lakhs.

State	Number of Districts						Dry Area						Wet Area		
	Completely Dry			Partially Dry			Completely Wet			Total			Total		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<i>Completely Dry</i>															
Gujarat . . .		17	..	..	17	72.2	206.3	72.2	100.0	206.3	100.0	Nil	Nil	Nil	Nil
Madras . . .		13	..	..	13	50.3	336.9	50.3	100.0	336.9	100.0	Nil	Nil	Nil	Nil
Maharashtra . .		26	..	..	26	118.7	395.5	118.7	100.0	395.5	100.0	Nil	Nil	Nil	Nil
TOTAL . . .		56	..	..	56	241.2	938.7	241.2	100.0	938.7	100.0	Nil	Nil	Nil	Nil
<i>Partially Dry</i>															
Andhra . . .		11	..	9	20	106.3	359.8	61.9	58.2	232.7	64.7	44.4	41.8	127.1	35.3
Assam . . .		3	..	8	11	47.1	118.7	10.0	21.2	48.2	40.6	37.1	78.8	70.5	59.4
Himachal Pradesh .		1	3	2	6	10.9	13.5	1.7	14.4	3.2	23.7	9.2	85.6	10.3	76.3
Kerala . . .		4	3	2	9	15.0	169.0	8.6	57.3	94.7	56.0	6.4	42.7	74.3	44.0
Madhya Pradesh .		6	4	33	43	171.2	323.7	26.9	15.3	51.6	15.9	144.3	84.7	272.1	84.1
Mysore . . .		16	1	2	19	74.2	235.9	59.2	81.1	180.0	76.3	15.0	20.2	55.9	23.7
Orissa . . .		5	..	8	13	60.6	175.5	26.8	43.8	97.1	55.3	33.8	56.2	78.4	44.7
Punjab . . .		1	..	19	20	47.2	203.1	2.3	5.7	14.2	7.0	44.9	94.3	188.9	93.0
TOTAL . . .		47	11	83	141	532.5	1599.2	197.4	37.1	721.7	45.0	335.1	62.9	877.5	55.0



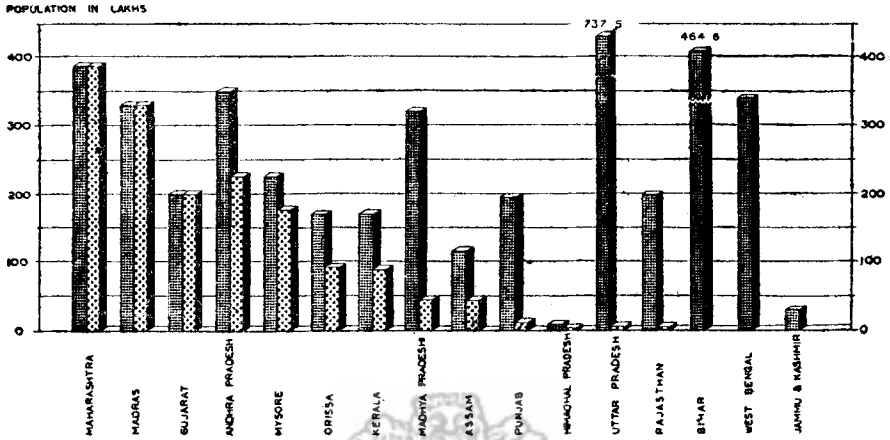
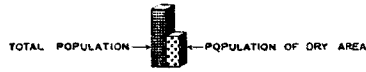
7 P. C.—2.													
Completely Wet													
Bihar	.	.	17	17	67.2	464.6	Nil	Nil	Nil	67.2	100.0	464.6	100.0
Jammu & Kashmir	.	.	14	14	86.0	35.6	Nil	Nil	Nil	86.0	100.0	35.6	100.0
Rajasthan (b)	.	.	26	26	132.2	201.6	Nil	Nil	Nil	132.2	100.0	201.6	100.0
Uttar Pradesh	.	.	54	54	113.7	737.5	Nil	Nil	Nil	113.7	100.0	737.5	100.0
West Bengal	.	.	16	16	33.8	349.3	Nil	Nil	Nil	33.8	100.0	349.3	100.0
TOTAL			127	127	432.9	1788.6	Nil	Nil	Nil	432.9	100.0	1788.6	100.0

(a) The population figures used here are of 1961.

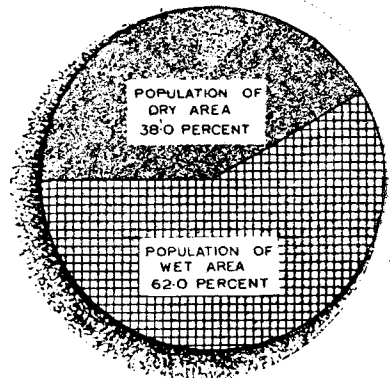
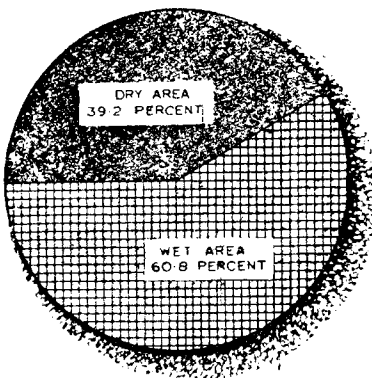
(b) In Rajasthan only one taluk is dry which covers 0·2 and 0·3 per cent of the area and population of the State respectively.

POPULATION UNDER PROHIBITION

LEGEND



AREA & POPULATION UNDER PROHIBITION



STATEMENT 1

History of Introduction of Prohibition in Different States

State	Present Position					Introduction of Prohibition				Date of Introduction	
	Number of Districts			Total	Per cent of Dry Area to Total	Per cent of Population of Dry Area to Total	Districts	Tehsil/Sub-Tehsil			
	Dry	Partially Dry	Wet								
1	2	3	4	5	6	7	8	9	10		
Andhra Pradesh	.	11	..	9	20	58.2	64.7	Chittoor	.	Whole district	1-10-1946
								Cuddapah	.	Do.	1-10-1946
								Anantapur	.	Do.	1-10-1946
								Kurnool	.	Do.	1-10-1946
								Guntur	.	Do.	1-10-1947
								Nellore	.	Do.	1-10-1947
								Visakhapatnam	.	Do.	2-10-1948
								Srikakulam	.	Do.	2-10-1948
								East Godavari	.	Do.	2-10-1948
								West Godavari	.	Do.	2-10-1948
							Krishna	.	Do.	2-10-1948	

1	2	3	4	5	6	7	8	9	0			
Assam	.	.	.	8	14	21.2	40.6	Kamrup	.	.	Barpeta Sub-Division	1-3-1953
								"	.	.	North Bank of Gauhati Sub-division	2-10-1954
								"	.	.	Remaining portion	26-1-1956
								Nowgong	.	.	Whole district	1-4-1960
								Goalpara	.	.	Do.	1-4-1962
Kerala	.	4	3	2	9	57.3	56.0	Kozhikode	.	.	Whole district	1946
								Palghat	.	.	Do.	1946
								Cannanore	.	.	Do.	1946
								Trivandrum	.	.	Do.	1949
								Quilon	.	.	Pathanapuram taluk	17-8-1950
								"	.	.	Kottarakkara taluk	1-4-1955
								Ernakulam	.	.	Fort Cochin area of Cochin taluk	17-8-1950
								Trichur	.	.	Chowghat taluk and Cranganore taluk	17-8-1950
								"	.	.	Talapally taluk	17-8-1947
Madhya Pradesh	.	6	4	33	43	15.3	15.9	Sagar	.	.	Whole district	1-4-1938
								Damoh	.	.	Do.	1-4-1938
								Narsinghpur	.	.	Do.	1-4-1938
								Khandwa	.	.	Do.	1-10-1946
								Hoshangabad.	.	.	Tehsils of Hoshangabad, Sehargarh, Harda, Sooni-Malwa	1-10-1946

"	Remaining portion	1-1-1948
Vidisha	Except Sironj Sub-division	4-12-1948
"	Sironj Sub-division	1-4-1957
Raipur	Raipur tehsil, Dhanteri area, Baloda Bazar area, Mahasamund, Garlaband area	1-1-1940
Bilaspur	Janjgir tehsil	1-10-1946
Durg	Durg tehsil	1-10-1946
Jabalpur	Katni town	1-10-1946
"	Rest of Katni Murwara tehsil	1-2-1953

Mysore

19	81-1	76-3	Bangalore	Ramanagaram and Channarayana	1-7-1938
2	1	16	South Kanara	Whole district	1938
			Bellary	Do.	1-10-1946
			Chitradurg	Do.	1-7-1948
			Tumkur	Do.	1-7-1948
			Kolar	Do.	1-7-1948
			Shimoga	Do.	1-7-1949
			Chikmagalur	Do.	1-7-1949
			Dharwar	Do.	6-4-1950
			North Kanara	Do.	6-4-1950
			Bijapur	Do.	6-4-1950
			Belgaum	Do.	6-4-1950
			Hassan	Belur and Sakleshpur taluks	1-7-1951
			"	Alur and Arkaigud taluks	1-7-1954
			"	Hassan, Holarasipur, Channarayana and Arasikera taluks	1-7-1959

TYPES OF ALCOHOLIC LIQUOR CONSUMED IN INDIA AND THEIR PROOF STRENGTHS

2. It is essential to know the types of drink for which the community has a preference. Liquors are of various types. There are distilled liquors, fermented liquors and wines; there are liquors of indigenous make, and of foreign make and there are Indian made foreign liquors (IMFL); there are strong or hard liquors with a high percentage of alcoholic content and there are the relatively mild varieties with a low alcoholic percentage. Perhaps this last is the most meaningful way of looking at alcoholic beverages, and for a clear understanding of the type of drinks consumed in this country, it is important to know the meaning of proof strengths and alcoholic contents in different types of liquor.

3. Alcoholic contents of liquor can be expressed either in terms of (i) London-proof strength, and/or (ii) by percentage of alcohol in bulk. Both these expressions are generally used in excise parlance, but they are apt to cause confusion in the minds of the uninitiated.

There is a proportionate relation between the degree of proof strength and alcoholic content by volume

4. Alcohol, when absolutely pure, is said to have a 'London proof strength', or simply 'proof strength' of 174.6° . It is generally known as absolute alcohol. This is not potable. At this degree of purity, unmixed with anything else, any given volume of this liquid will contain 99.9 per cent of alcohol. That is to say, when a given volume contains 99.9 (say 100) per cent alcohol in bulk, the degree of purity is 174.6° (say 175°) in proof strength. The ratio $100/175$ (i.e. $4/7$) thus represents the relation between the two measures of purity—the denominator being the degree of alcoholic strength and the numerator the content of alcohol in a given bulk or volume. Now when other substances such as water are added the alcoholic content obviously decreases in bulk, and the degree of proof strength, that is, the purity of alcohol, decreases in the same proportion in which alcoholic content in bulk decreases; so that the factor of proportionality, $4/7$, is still maintained in the new situation. When a gallon of liquid contains half of water and half of alcohol, that is to say, when the alcoholic percentage in a bulk gallon is 50, the proof strength will be $50 \times 7/4 = 87.5^{\circ}$ proof. Alternatively, when by adding water the strength of alcohol has been brought down from 174.6° to say, 100° proof, the volume of alcohol in bulk has come down to $100 \times 4/7 = 57.1$ per cent.

5. A gallon of liquor of 100° proof strength or 57.1 per cent alcoholic content in bulk constitutes a norm in assessing the degree of purity, and liquors with lower and higher strengths than 100° proof are also referred to as liquor of under proof (u.p.) strength and over proof (o.p.) strength respectively.

6. By increasing the percentage of other liquids in a bulk gallon, if its proof strength is decreased from 100° to say 75° or 60° proof, this fact is expressed in an alternative mode of measurement by stating that the liquor strength is brought down to 25° u.p. or to 40° u.p. respectively. Contrariwise, if the content of other liquid is reduced and that of alcohol increased in a bulk gallon so that the proof strength rises to 120° proof, then it is termed as 20° o.p.

7. We thus note that alcoholic purity stated in terms of degrees, say 75° or 60 can thus always be expressed in terms of under proof degrees, say 25° and 40° u.p. The same fact can also be stated in terms of alcoholic percentage in a bulk gallon. If the alcoholic percentage in bulk is multiplied by a factor of $7/4$ the resultant figure is the degree of proof strength. Alternatively, if the degree of proof strength is multiplied by a factor of $4/7$, one gets the percentage of alcohol in any given volume of liquid.

8. Thus liquor of 75° proof strength (which is also 25° u.p. strength) contains $(75^\circ \times 4/7) = 42.86$ per cent of alcohol by volume. Nearly all the hard foreign liquors and Indian manufactured foreign liquors such as whisky, brandy, and rum, have a proof strength of 75°, that is to say, an under-proof strength of 25°, and contain 42.86 per cent of alcohol by volume. In the case of gin, the alcoholic content in terms of proof is 65° (35° u.p.) and it contains 30.14 per cent by volume.

9. Wines have a fairly large range of alcoholic percentage. But the most common varieties have a percentage of 8 to 10 by volume so that the proof strength of wines will work out to be generally between 14° and 17.5° (i.e. 82.5° and 86° u.p.).

10. Beer of Indian manufacture, say, Dyer Meakin Breweries or the United Breweries contains 5 per cent alcohol by volume. Its proof strength will thus work out to be $(5 \times 7/4) = 8.75^\circ$, that is to say 91.25° u.p. Foreign beers are known to have alcoholic contents ranging from 3.5 per cent to about 10 per cent. At these limits of 3.5 per cent and 10 per cent, their respective proof strengths will work out to be 6.13° and 17.5° proof (that is, 82.5° u.p. and 93.87° u.p.).

Country liquors range between 20° o.p. and 77.5° u.p. i.e. between 69 per cent and 13 per cent alcohol in bulk.

11. Country liquors have a large range. Liquor sold in Punjab is 80° proof (20° u.p.) so that the alcoholic percentage is 45.71. Uttar Pradesh country liquor is of 65° proof (that is, 35° u.p.) and has an alcoholic percentage of 37.14. In Delhi and Himachal Pradesh proof strengths are 50° and the alcoholic percentage 28.57. Andhra Pradesh has two varieties of country liquor, namely, of 70° and 40° proof (30° and 60° u.p.), the alcoholic percentage respectively being 40 and 22.86. West Bengal until recently had country liquor of 50° proof (50° u.p.) with an alcoholic percentage of 28.57. More recently, West Bengal has brought down the alcoholic percentage of one of its varieties to 22.5° proof (77.5° u.p.) so that the alcoholic percentage at 12.86 is perhaps the smallest of any distilled liquor manufactured in this country.

12. Some States in India such as Rajasthan are known to be licitly selling very hard liquors with a proof strength of 120° (that is to say, 20° over proof) the alcoholic percentage being 68.57.

13. Illicit country liquor is generally harder than any of the prevalent varieties of licit country liquor, its proof strength ranging between 80° and 120° (20° u.p. to 20° o.p.) the range of alcoholic percentage being as high as 45.71 and 68.57.

14. We indicate in Table 2 and Diagram 1 the proof and under proof strengths as well as the alcoholic contents of the liquors generally vogue in different parts of this country

STRENGTH OF DIFFERENT COUNTRY LIQUORS

● 77.5° U.R.
 (●) 66.0° U.R.

STATE - WISE

[illegible]

TABLE 2

Scale of Equivalence for Proof Strength and Bulk Alcoholic Content of Different Liquors

Type of Liquor	Proof Strength	Under Proof Strength	Per cent of Alcohol in Bul
1	2	3	4
Imported Liquors			
Whisky	75°	25°	42·86
Brandy	75°	25°	42·86
Gin	65°	35°	37·14
Rum	75°	25°	42·86
Indian Manufactured Foreign Liquors			
Whisky	75°	25°	42·86
Brandy	75°	25°	42·86
Gin	75°	25°	42·86
Rum	75°	25°	42·86
Wines	17·5° to 14°	82·5° to 86°	10 to 8
Beer			5·0
Country Liquors (Licit)			
Distilled	95° to 22·5°	5° to 77·5°	54·24 to 12·86
Fermented			3·5 to 8
Country Liquor (Illicit)			
Illicit	120° to 80°	20° o.p. to 20° u.p.	68·57 to 45·71



Cider 1%



Hard cider 5%



Beer 3-5%



Wine 8-10%



Cocktail 15-25%



Gin 30-35%



Whiskey 40-50%

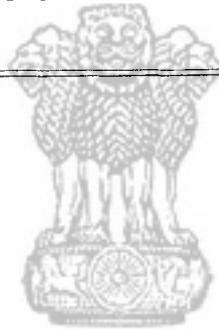


Vodka 45-90%



SECTION TWO

DRINKING IN ANCIENT SOCIETIES AND MODERN INTERNATIONAL EXPERIENCE



सत्यमेव जयते



सत्यमेव जयते

CHAPTER IV

DRINKING IN ANCIENT SOCIETIES WITH PARTICULAR REFERENCE TO INDIA

Ancient societies were familiar with intoxicating beverages and the process of brewing beer from cereals as a household beverage can be gathered from ancient Babylonian records. It is believed that distilled liquor was produced for the first time in middle ages in Europe though the process of distillation was known to ancient Chinese, Hindus, Assyrians and Greeks.

INDULGENCE AND ABSTINENCE

2. If the history of drinking intoxicating beverages can be traced from remote antiquity, so also their severe condemnation. Drinking and abstinence are in the nature of action and reaction. The unpleasant after effects of drink led people to discourage it. When the misbehaviour of a drunken person led to serious excesses, the reaction became not merely of moderation but of total abstinence. It is said that in 11th century B.C. one of the Chinese Emperors ordered all the vines in the kingdom to be uprooted. The ancient divines of India and Persia encouraged temperance and the Buddhists enjoined total abstinence. Whereas the Hebrew sects counselled temperance, the Muslims preached teetotalism.

Babylon

3. Researches on the contents of the tombs of ancient Egypt and in the buried cities of Babylon reveal that as early in history as 3,000 years ago, the use of wine and beer gave cause for anxiety.*

As early as 2250 B.C. the Code of Hammurabi Law 109 provided: **

“If outlaws collect in the house of the wine seller, and she does not arrest these outlaws and bring them to the palace, that wine seller shall be put to death.”

China

4. Notice was also taken of the injurious effects of drinking in China during the Chau Dynasty (1134—256 B.C.) and also in the reign of the 4th Emperor of the Yuan Un Dynasty about 1312 A.D. Laws against the manufacture, sale and consumption of wine were decreed, repealed and amended no less than 41 times and penalties for violation of the decree were very severe, as will appear from an old edict of Chinese Emperor of 116 B.C. : ***

“Our people have been greatly disorganised, and have lost their virtue, which can be traced to their indulgence in spirits. . . . If you are told that there are companies who drink together, do not fail to apprehend them all and send them to Chou, where I will put them to death.”

*Sociology of Deviant Behaviour by Marshal B. Clinard, p. 318.

**Alert, Vol. IX, No. 1, p. 16.

***Alert, Vol. IX, No. 1, p. 17.

Carthage and Greece

5. Socrates, Aristotle, Plato and Cicero and others referred to wine as debasing to the dignity of man. The Spartans and Carthaginians restricted drinking among soldiers on active service as they thought it interfered with their efficiency. Plato (429-327 B.C.) referring to the Carthaginian law said: *

"I should prefer the Carthaginian law to the effect that nobody while on military duty must ever taste this drink, but must keep entirely to water for the whole time; that in the city no slaves, either male or female, must taste wine at any time, nor the president during the year of presidency, nor the aelmsmen, nor the judge while on duty; neither must anyone do so who is taking part in any deliberation of importance; not, speaking generally, must anyone drink during the day."

Rome

6. The views of some of the distinguished Romans are not without interest. *

"Drunkenness is nothing but a condition of insanity purposely assumed."—Seneca, in his Eighty-third Epistle.

"A sensual and intemperate youth hands over a worn-out body to old age."—Cicero (44. B.C.).

"So boundless the cost which we lavish upon a liquid which deprives him to frenzy and to the commission of a thousand crimes; so exquisite is the cunning of mankind in gratifying their vicious appetites that they have thus invented a method to make water itself produce intoxication."—Pliny (A.D. 23—27).

Aztecs of ancient Mexico

7. On the American continent, the Aztecs of ancient Mexico punished drunkenness among the young with death but tolerated drinking only on holidays and among the very aged and the sick. Temperance or abstention is not a modern phenomenon.

8. According to reputable scholars, the early Aryan settlers were given to drinking spirituous beverages and—though the views are conflicting—"soma" beer was a common drink of high alcoholic strength. Whatever doubts there may be regarding 'soma' it admits of no dispute that 'sura', a distilled spirit manufactured from rice meal was very popular. It was a fermented beverage. The alcoholic beverages were produced in various ways and Pulastya, an ancient sage and author of one of the Smritis, enumerated twelve different kinds of liquors besides 'soma'. They are—

Kinds of Liquors:

- (1) panasa, liquor from jack-fruit
- (2) draksha, grape liquor
- (3) madhuka, honey liquor
- (4) kharjura, date liquor

*Alert, Vol. IX, No. 1, p. 17.

- (5) tala, palm liquor
- (6) sikhshava, cane liquor
- (7) madhvika, mowa liquor
- (8) saira, long-pepper liquor
- (9) arishta, soap-berry liquor
- (10) maireya, or rum
- (11) navikelaja, coconut liquor
- (12) sura, or arrack.

From Vedas to Tantras

Drinking prevailed in all ages of our early history—Vedic and post-Vedic.* The Puranas have condemned the use of wine and there is a mention of the widespread malady which it was intended to exterminate. There are also references in Sutras. As beverage, intoxicants were known during Ramayana and Mahabharata periods. The Yadavas virtually destroyed themselves through sheer drunkenness at the sea-side resort of Prabhasa. According to the Bhagvata Purana, when questioned by his brother Yudhisthira as to what the Yadavas were doing, Arjuna is reported to have said: “O king, our friends, of whom you are inquiring, losing, through a Brahman’s curse on the house of our well-wishers, their senses by over-indulgence in varuni liquor, have, without recognising each other, exchanged blows and destroyed themselves. Now only four or five are left alive to tell the tale.”* In the Buddhist period, the Jatakas and Avadanas have several stories in which liquor and drunkenness figure. There are also references in Kalidas’s ‘Shakuntala’, ‘Kumara Sambhava’, and ‘Raghuvansha’. Many Tantras enjoined liquor, particularly Sakta Tantras—Uppati, Matir Kabheda and Kamakhya and Mayanirman Tantras—with strong appeals to sensuality.

Manu Smriti

9. As the evil effects of indulgence in spirituous liquors were patent, there are several injunctions against their use. Wine was denounced as “unfit to be drunk, unfit to be given, and unfit to be accepted”.

According to Manu Smriti, drinking of sura (wine) was among the five Maha Patakas (mortal sins) meriting severest punishment. Sura, according to Manu, was of three kinds, that distilled from molasses (Gaudi—extract of jaggery), that distilled from ground rice, and that distilled from Madhyka

* For detailed study see ‘Spirituous drinks in ancient India’ by Babu Rajendra Lal Mitra, Journal of the Asiatic Society, Part I—History, Literature and C. No. i—1873.

flowers (Madhvi). The drinking of sura was forbidden to Brahmins, Khatriyas and Vaishyas*.

*Manu, Book XI, 94-97.

गौडी पैण्टी च माध्वी च विज्ञेया त्रिविधा सुरा ।

यथैवैका तथा सर्वा न प्रातच्या द्विजोत्तमैः ॥ ९४ ॥

गौड़ी, पैण्टी और माध्वी के भेद से मदिरा तीन प्रकार की होती है। (जो मदिरा गुड़ से बनती है उसे गौड़ी, जो मिष्ठान्न से बनती है उसे पैण्टी और जो महुए से बनती है उसे माध्वी कहते हैं। ये तीनों एकसी हैं।) ब्राह्मण इनका पान न करें।

Sura is of three kinds made from jaggery, grains and mohuwa flowers, respectively known as gaudi, paishti and madhvi. These three are similar. It is forbidden to a Brahmin to drink these beverages.

यक्षरक्षः पिशाचान्नं मद्य मांसं सुरासवम् ।

तद्ब्राह्मणेन नात्तव्यं देवानामश्नताहविः ॥ ९५ ॥

मद्य, मांस, मदिरा और आसव, ये यक्ष, राक्षसों के खाने पीने की चीजें हैं। उन्हें देवताओं के हव्य खाने वाले ब्राह्मण को नहीं खाना चाहिये।

Sura (all other) intoxicating drinks and decoctions and flesh are the food of the Yakshas, Rakshasas, and Pisachas; a Brahmana who eats (the remnants of) the offerings consecrated to the gods, must not partake of such (substances).

अमेध्ये वा पतेन्मतो वैदिकं वाप्युदाहरेत् ।

अकार्यं मन्यत्कुर्याद्वा ब्राह्मणो मदमोहितः ॥ ९६ ॥

ब्राह्मण मदोन्मत होकर अपवित्र स्थान में गिर पड़े, या यत्रतत्र वेदवाक्य बके। या और ही कोई काम जो न करने का हो वही कर बैठे, इसलिए उसे कदापि मदिरा को छूना तक नहीं चाहिये।

A Brahmana, stupefied by drunkenness, might fall on something impure, or (improperly) pronounce Vedic (texts), or commit some other act which ought not to be committed.

यस्य कायगतं ब्रह्म मद्येनाप्लाव्यते सकृत् ।

तस्य व्यैपति ब्राह्मण्यं शूद्रत्वं च स गच्छति । ९७ ॥

जिस ब्राह्मण शरीर की आत्मा एक बार भी मदिरा से प्लावित हो जाती है उसका ब्राह्मणत्व नष्ट हो जाता है और वह शूद्रत्व को प्राप्त होता है।

When the Brahman (the Veda) which dwells in his body is (even) once (only) deluged with spirituous liquor, his Brahmanhood forsakes him and he becomes a Sudra.

Yajnavalkya

10. The laws of Manu and Yajnavalkya provided very severe penalties to those indulging in intoxicating drink. Many provided branding of the forehead with hot iron for drinking spirits and total ostracism of such a person's paternal and maternal relations.* Such persons were also

*Manu Smriti, Book IX, Shlokas 235-237-238-239.

ब्रह्महा च मुरापश्च स्तेयी च गुरुतल्पः ।

एते सर्वे पृथग्नेया महापात किनो नरा ॥ २३५ ॥

ब्रह्मघाती, मद्यपायी, चोर, गुरुपत्नी में गमन करने वाला इन सबको महापातकी जानना ।

The slayer of a Brahmana (a twice-born man), he who drinks (spirituous liquor called) Sura, he who steals (the gold of a Brahmana), and he who violates a Guru's bed, must each and all be considered as men who committed mortal sins (mahapataka).

गुरुतल्पे भगः कार्यः मुरापाने मुराध्वजः ।

स्तेये च श्वपदं कार्यं ब्रह्महृष्यशिराः पुमान् ॥ २३७ ॥

गुरुपत्नीगामी के ललाट पर तपे हुए लोहे से भगका, मद्यपायी के ललाट पर मद्यपात्र का, चोर के ललाट पर कुत्ते के पंजे का और ब्रह्मघाती के ललाट पर मस्तकहीन पुरुष का चिह्न करवा दे ।

For violating a Guru's bed, (the mark of) a female part shall be (impressed on the forehead with hot iron); for drinking (the spirituous liquor called) Sura, the sign of a tavern; for stealing (the gold of a Brahmana) a dog's foot; for murdering a Brahmana, a headless corpse.

असंभौज्या ह्यसंयाज्या असपाठयाविवाहितः ।

चरैर्युः पृथिवीं दीनाः सर्वधर्मबहिष्कृताः ॥ २३८ ॥

उन महापापियों को भोजन न दे, उनकी पुरोहिती न करे । उनको न पढ़ावे, उनके साथ कन्यादान आदि सम्बन्ध न करे । वे सब धर्मों से बहिष्कृत हो कर सारे संसार में मारे मारे फिरें ।

Excluded from all fellowship at meals, excluded from all sacrifices, excluded from instruction and from matrimonial alliances, abject and excluded from all religious duties, let them wander over (this) earth.

जातिसम्बन्धमिस्त्वेते त्यक्ताव्याः कृतलक्षणाः ।

निर्दया निर्नमस्कारास्तन्मनोरनुशासनम् ॥ २३९ ॥

इन चिह्नित महापापियों को बन्धुवर्ग स्वजन-परिजन सभी लोग त्याग दें, इन पर दया न करें और न इनको नमस्कार ही करें, यह मनुमहाराज की आज्ञा है ।

Such (persons) who have been branded with (indelible) marks must be cast off by their paternal and maternal relations, and receive neither compassion nor salutation; that is the teaching of Manu.

required to undergo severe expiatory penances. For instance, in the case of a twice-born who had intentionally drunk the spirituous liquor called "sura", he was required to drink that liquor boiling hot. When his body had been completely scalded by that, he was freed from his guilt.* In the case of a person drinking 'Varuni', another spirituous liquor, the penances enacted were less severe.**

*Manu XI—90, 92, 93.

सुरां पोत्वा द्विजो मोहादग्निवर्णीं सुरापिबेत् ।

तथा स काये निर्दग्धे मुच्यते किल्बिषात्ततः ॥ ९० ॥

A twice-born man who has (intentionally) drunk, through delusion of mind, (the spirituous liquor called) Sura shall drink that liquor boiling hot; when his body has been completely scalded by that, he is freed from his guilt.

कणान्वा भक्षयेदब्दं पिण्याकं वा सकृन्निशि ।

सुरापानापनुत्यर्थं बालवासा जटी ध्वजी ॥ ९२ ॥

अथवा सुरापान के दोषशान्त्यर्थ ऊनी वस्त्र पहने, जटा रखे और सुरापान का चिह्न धारण करे । एक वर्ष तक रात में एक बार किसी अन्य की पीठी या तिल की खली मात्र खाये ।

Or, in order to remove (the guilt of) drinking Sura, he may eat during a year once (a day) at night grains (of rice) or oilcake, wearing clothes made of cowhair and his own hair in braids and carrying (a wine cup as) a flag.

सुरां वै मलमध्वानां पाप्या न मलमुच्यते ।

तस्माद्ब्रह्मणराजन्यो वैश्यश्च न सुरां पिबेत् । ९३ ॥

मदिरा अन्नो का मल है । यह पाप को कहते हैं । इसलिए ब्राह्मण, क्षत्रिय और वैश्य मदिरा न पीयें ।

Sura, indeed, is the dirty refuse (mala) of grain, sin also is called dirt (mala); hence a Brahmana, a Kshatriya, and a Vaisya shall not drink Sura.

**Manu—XI—147.

अपः सुराभाजनस्था मद्यभाण्डस्थितास्तथा ।

पंचरात्रं पिबेत्पीत्वा शंखपुष्पी श्रितं पयः ॥ १४७ ॥

पैण्टी—सुरापान में या अन्य मद्यभाण्ड में रखा पानी पीने से शंखपुष्पी (जड़ी) के साथ औटा हुआ दूध पांच रात पीयें ।

He who has drunk water which has stood in a vessel used for keeping (the spirituous liquor, called) Sura, or other intoxicating drinks, shall drink during five (days and) nights (nothing but) milk in which the Sankhapushp (plant) has been boiled.

11. Drinking by women was deprecated by Manu and it was considered as one of the causes of their ruin. *In the case of a wife who drank spirituous liquor, her husband could at any time supersede her by another wife.**

Severe Penances

12. Yajnavalkya in a Smṛiti also prescribed elaborate penances for drinking liquor. A person who drank 'sura' had to expiate for a sin and attain purification only on death by drinking 'sura' and certain other liquids poured into his mouth boiling hot; resembling fire.*** From the Draconian punishments provided by ancient Hindu Law it appears that the society looked upon drinking with abhorrence.

Kalidasa

13. There is a story attributed to Kalidasa, which is not without interest as it indicates the contemporary reaction to intoxicating drinks. Kalidasa saw a young woman (Kalalin)—of brewer caste, and enquired of her as to what was in her jar, and she answered:

*Manu, IX, 13.

पानं दुर्जनसंसर्गं, पत्या च विरहोऽननम् ।

स्वप्नोऽन्यगेहवासश्च नारसिद्धपणानि षट् ॥ १३ ॥

मद्य पीना, वुरे लोगों का संसर्ग, स्वामी का वियोग, अकेली इधर उधर घूमना, असमय में सोना और दूसरे के घर में रहना, ये छः श्रियों के दोष हैं ।

सत्यमेव जयते

Drinking (spirituous liquor), associating with wicked people, separation from the husband, rambling abroad, sleeping (at unseasonable hours), and dwelling in other men's houses, are the six causes of the ruin of women.

**Manu, IX, 80.

मद्यप्राप्ताधुवता च प्रतिकूला च या भवेत् ।

व्याधिता बाधिवेत्तव्या हिंस्रार्थधनी च सर्वदा ॥ ८० ॥

यदि स्त्री मद्य पीनवाली, वुरी आचरण करनेवाली, स्वामी की याता से विपरीत चलने वाली, कुष्ठरोगादि से दुस्त, हिंसास्वभाव वाली, और सर्वदा अपरिमित खर्च करने वाली हो तो उसका स्वामी उसके रहने दूसरा ब्याह कर सकता है ।

She who drinks spirituous liquor, is of bad conduct, rebellious, diseased, mischievous, or wasteful, may at any time be superseded (by another wife).

***Mitakshara, Section 6, CCLIII.

“There are eight evils in this jar: inebriety, madness, strife, stupefaction, deterioration of intelligence, perversion of righteousness, happiness in ruins and path to hell.”

मदः प्रमादः कलहश्च निद्रा ।

बुद्धिक्षयो धर्मविपर्ययश्च ।

सुखस्य कन्था नरकस्य पन्था : ।

अष्टावनर्थाः करके वसन्ति ॥

Aphrodisiac

14. In ancient medical works, the use of liquor is suggested both as aphrodisiac and also for medicinal purposes. There were also diseases mentioned which were associated with excessive use of spirituous drinks and were called madatankas (wine horror), madalayaya (wine disease) and madvyadhi (wine complaint).

Breath Purifiers

15. Medical works also contain recipes for removing odour from one's breath of drinks consumed. This indicates that there were a class of men given to drinking but wishing to be considered as teetotalers. There must thus have been considerable hypocrisy in outward expression of horror against wine and in secret indulgence in it, and concealing disclosure by using breath purifiers. There is a mention of four kinds of fermented beverages which were drunk without distillation, namely, coco toddy, palm toddy, date toddy and 'soma' nectar. Thus, ancient history deals with both sides of the drink problem—overindulgence and severe punishment. Kautilya in his 'Arthashastra' (Adhyaya 25) under the heading 'suradhyaksha' has dealt with the excise laws and the licensed places for sale of liquor.

सयमेव जयते

Islamic Injunction

16. Islam has been very strict and forbade use of intoxicating beverages.

CHAPTER V

HISTORY OF TEMPERANCE AND PROHIBITION IN AMERICA

Beginning of Temperance Movement (1798)

The various nationalities who came to America brought with them the customs of their homeland. The drinking of alcoholic beverages was common to all and was practised even by the clergy. The initial venture towards temperance in the United States is recorded to have been made at Litchfield, Connecticut, in 1789. The colonial governments started regulating the sale of liquor subsequently. A licence system as existed in Europe was also introduced with some modifications. The only concern of those who were responsible for the government was to keep liquor away from the workers. Laws were passed prohibiting the sale of spirits to slaves and apprentices without the consent of their masters.

2. The Church started raising a hue and cry against the evils of intoxication and intemperance, but this was a voice in the wilderness. The long agitation, however, bore some fruit. George Washington in his order on 25th of March, 1776 ordered the officers of the continental army to prevent the soldiers from visiting the tippling houses. In 1777 the Continental Congress recommended to the State legislatures to pass laws in order to stop the distilling of grapes by which excessive evils were likely to be derived. In 1789 when the government was inaugurated under the Constitution, a law was passed to tax imported liquors and malts and in a subsequent legislation an excise tax was imposed on distilled spirits. In 1802 President Jefferson prohibited the sale of liquor to the Red Indians. Between 1789 and 1826 several temperance societies came into being. In the second decade of 19th century there was also an awakening regarding the evil effects of intemperance. During the first half of the 19th century public opinion gradually came to favour a stringent regulation of the sale of intoxicants, with the result that a well organised temperance movement made its appearance. At that time there were about 6000 local temperance societies as well as State Organisations in most of the States. The leadership, and rank and file of the movement came from the churches though these societies were associated with local and State policies. Stress was laid primarily on pledges of personal total abstinence and the suggestion of governmental control over the liquor traffic was avoided.

Fifteen Gallon Law

3. In 1839, Massachusetts passed the so-called "Fifteen Gallon Law" prohibiting the sale of liquors except for medicinal and mechanical purposes in quantities of less than 15 gallons. The first temperance organisation began in 1813 in Connecticut, and the second in 1826 in Massachusetts. The American Temperance Union was organised in 1833 and it was a federation of other temperance organisations in the country. It laid stress upon pledges of personal total abstinence and avoided any suggestions of governmental control.

Washington Temperance Society

4. In 1840, the Washington Temperance Society was organised and it was composed of former drinkers devoted to the reformation of drunkards through moral suasion. The Societies spread all over the country. Two other important temperance organisations were the Women's Christian Temperance Union (W.C.T.U.) organised in 1874 and the Anti-Saloon League organised in 1893.

Licence

5. The first attempt at social control of the liquor traffic took the form of licensing places of sale and of fines and imprisonment for public drunkenness. This was not considered satisfactory. The licence laws did not decrease the social evils caused by liquor traffic.

Local Option

6. Local Option is determination by an election at which communities could vote to close up the saloons within their area. The first prohibitory laws in the United States outside these which banned sale of liquor to Red Indians took the form of local option laws. Certain States made it a penal offence to sell alcoholic beverages without any licence granted by a majority vote of the town meeting.

State-wide Prohibitory Laws

7. The first wave of State-wide prohibitory laws started in Oregon in 1843 followed by similar laws in other States. In 1875, these enactments were repealed.

The National Prohibition Party

8. The National Prohibition Party was organised in 1869 and the Women's Christian Temperance Union in 1874. Between 1880 and 1890 State-wide prohibition was adopted in five States, either by statute or by constitutional amendment.

Prohibition Movement

9. The prohibition movement in the form of an attempt to place prohibitory laws upon the statute books and prohibitory clauses in the Federal and State Constitutions, was the out-growth of the organised movement. The temperance movement had aroused the nation to the social evils of intemperance, but accomplished little in checking the excessive use of alcoholic beverages. Under the influence of the temperance organisations like the National Prohibition Party, the National Temperance Society and Women's Christian Temperance Union, the legislatures of nearly half of the States, during the decade of 1880 to 1890 passed statutory prohibitory laws. Prohibition was rejected in most of the States, however, by popular vote.

Anti-Saloon Leagues (1893)

10. In the 1890's the organisation of the temperance forces was changed radically. The abstinence propaganda had failed to exert any perceptible effect on the per capita consumption of alcohol. It was then concluded that the drunkard was the product of the drunkard maker and that the only method of solving the liquor problem was to eliminate the saloon. Since the Saloons were firmly entrenched through political connections.

they could be closed only by political action. The Anti-Saloon League was organised in 1893 as a non-partisan political body, demanding that each community had the right to exclude the liquor traffic by a majority vote. Within a few years, the State Leagues were functioning in practically every State and territory. The new strategy of the dry forces was remarkably effective. By 1906, 30 States had adopted local option law.

By the end of 1918, saloons had been made illegal in approximately 90% of the area of the United States and two-thirds of the population was living in dry territory. Neither all the people in the "dry" territory were "drys" nor all the people in "wet" territory were "wets".

Politics and Alcohol Industry

11. Both the alcoholic beverage industry and the temperance forces were now strongly entrenched in politics. For many years the liquor interests had contributed heavily to the campaign expenses of both major political parties, often controlled State and local conventions and elections, and dictated or influenced the acts of legislators through powerful lobbies.

Abstinence and Smuggling

12. The concept of temperance had resulted in total abstinence. At first the agitation had been directed against distilled spirits and strong wines, while the use of malt liquor and light wine had been encouraged. But the difficulty of drawing a line of demarcation between intoxicating and non-intoxicating beverages, the belief that alcohol even in small doses was a harmful habit forming drink, the use of beer and its sale in the same saloons had resulted in the inclusion of beer and light wines in the prohibition agitation. Most of the prohibitory laws enacted during the second decade of the twentieth century applied not only to spirituous but also to malt and vinous liquors. The difficulty lay in enforcing the dry laws. There were no federal appropriations for enforcement, States found it difficult to patrol their borders, and the growing volume of travel and the advent of the automobile made inter-State smuggling relatively easy.

The Wilson Act (1890)

13. The Wilson Act of August 8, 1890, passed by the Congress provided as follows:

"That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquors or liquids had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise."

The constitutionality of the Wilson Act was upheld in 1892.

14. The clash between State and Federal interests became acute, and lasted until 1917, when the Supreme Court of the United States finally upheld the validity of the Webb-Kenyon Act of March 1, 1913, which removed the inter-State commerce protection from liquors when imported into a State in violation of State law and intended by any person interested therein to be received, possessed or used in violation of State law.

Reed Bone-dry Amendment

15. Immediately preceding the adoption of national prohibition the Congress enacted two measures on March 3, 1917: **The Reed Bone-dry Amendment** provided a penalty enforceable in the Federal Courts by which the National Government for the first time undertook actively to aid the prohibition States. The amendment imposed a more complete prohibition wherever the State wanted to prevent manufacture or sale of intoxicants.

The Jones-Randall Anti-Advertising Amendment withdrew the mail privilege from periodicals containing liquor advertising and prevented their circulation by mail, in any State in which at the time it was unlawful to advertise or solicit orders for such liquors.

16. In 1914, a prohibition amendment received a majority in the House of Representatives, but not the requisite two-thirds. In 1917, the 18th Amendment was proposed by Congress and on January 16, 1919, it was ratified by 36 States of the Union so as to become a part of the Constitution of the United States. The adoption of this Amendment marked the high tide of the prohibition movement. It operated in the entire territory of the United States and bound all officers and individuals. Concurrent power was given to the Federal and State Governments to enforce the Amendment, and the definition of intoxicants as contained in the Volstead Act as one-half of one per cent of alcohol was upheld by the Supreme Court. No State could authorise the sale of alcoholic beverages of greater alcoholic content than permitted by Federal Laws. Punishment was provided for importation of intoxicating liquors resulting in forfeiture of liquors and vehicles used for their transportation. The 18th Amendment is reproduced below:

Section 1: National Prohibition—intoxicating liquors

“After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2: Concurrent power to endorse amendment

“The congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3:

“This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution within seven years from the date of the submission hereof to the States by the Congress.”

The National Prohibition Act

17. An enforcement bill was introduced into Congress almost immediately upon rectification of the amendment. It was known as the National Prohibition Act but was popularly known as the Volstead Act. An intoxicating beverage was defined as any beverage containing one half of one per cent or more of alcohol. The Act also provided severe

penalties for the manufacture, sale, transportation or possession of intoxicating liquors and arranged for supervision over the production and sale of alcohol for industrial, scientific, medicinal or sacramental purposes.

Whether a Success or Failure

18. The Amendment neither was nor could be a perfect solution of the problem of social control of the liquor traffic. The problem was too big and of too long standing to be solved by any quick method. If it had a fair chance the Eighteenth Amendment might have been more successful. Its enforcement was committed to its enemies rather than to its friends and it became a football of politics. The "wets" were always antagonistic and did everything they possibly could not only to discredit it but persistently to violate it. A class of boot-leggers organised to carry on their business in a big way was allowed to grow up and become powerful. After the Eighteenth Amendment, there was, of course, much consumption of alcoholic liquors and there were many crimes due to drunkenness. There were "speak-easies" almost everywhere. "Speak-easy" is a term used in reference to an illegal drinking place during the period of national prohibition.

Consumption Reduced

19. There was less consumption of alcoholic liquors after the Eighteenth Amendment than there was before. According to the estimate of the attorney-general, there had been a decrease of 70 per cent in consumption. There was less drunkenness. Sociologists, after investigation, found that any increase in crime after the Eighteenth Amendment was not due to it, nor to drink but to the increased use of the automobile and the gun. The "wets" carried on a continuous campaign against the Amendment. At no time, there was a majority in the United States for its repeal. The minority succeeded subtly in accomplishing its purpose by resorting to devious means.

Charge of Unconstitutionality

20. The first attack of the "wets" was on the constitutionality of the Eighteenth Amendment, but the U.S. Supreme Court rejected the contention of the "wets".

An Appeal to Personal Liberty

21. An appeal to personal liberty was another line of attack of "wets" and it was contended that the Eighteenth Amendment was violative of personal liberty being in the nature of an appeal to the penal spirit and opposed to the theories of individualism. There can be no social control without delimiting personal liberty. The question is not whether personal liberty is being delimited but whether the social interest in the personal liberty is outweighed by other more important social interests. It was fallacious to say that social control of intoxicating liquors was an invasion of people's private affairs. This appeal, however, had some effect in favour of the case of the "wets".

Defeatism Urged

22. The "wets" attempted to achieve success for their cause by making out that the Eighteenth Amendment was fallacious and attributed to it

practically everything that was wrong in the United States. Willis thinks that the principal proof of the failure of the Eighteenth Amendment was nullification of it by the "wets". When they failed to achieve their results, they began to lie about it and say that they had succeeded. They also asserted that alcohol as a beverage was a good thing and the Eighteenth Amendment was depriving the Government of a great deal of revenue which it ought to obtain. At the time of acute depression, this argument was readily accepted.

Real Reason

23. The real reason which was not disclosed by the "wets" was their desire to obtain private profits which formerly used to be made by brewers and distillers. They wanted to escape taxation which, they feared, otherwise might be levied against them and thus be deprived from obtaining cheaper drinks.

The Benefit of Prohibition

24. The prohibition helped to secure better furnished homes for working people, better mental health of the home by better family co-operation and domestic felicity. Children showed more respect for parents and parents more affection for children. Larger portion of the husband's income went to the family and there was a noticeable improvement in material relations. Favourable community effects were recorded, less juvenile delinquency and less malnutrition. The men, because of prohibition, were made contented and home life was improved. The women received more money for the home and for clothing and for other domestic uses. Employees reported for work with greater regularity, the average efficiency of employees increased, the personal injuries due to accidents at the mills decreased and the average economic condition of employees' families improved. A great part of public opinion came inevitably to the conclusion that, by and large, prohibition had done untold good to America and whoever spoke to the wives of the workmen felt convinced of the benefits of prohibition. whoever discussed the matter with the captains of industry found them of the view that prohibition was a paying proposition.

Economic Development

25. Compiled from Federal reports, the annual statistical abstract and other authoritative sources, the following seven economic developments of the first decade of National Prohibition were revealed:—

- (i) The Prohibition years brought home-building to its peak of popularity. Assets of building and loan associations leaped upward nearly 150 per cent in the five years 1921—26.
- (ii) A membership in home-building organisations more than doubled, membership rose from 4,962,919 in 1920 to 12,343,251 in 1930.
- (iii) Savings deposits mounted from \$ 144 per capita in 1921 to \$ 221 per capita in 1926.
- (iv) Life Insurance investments soared from 342 per capita to 680 per capita.
- (v) The automobile industry nearly trebled its total sales, increasing from 64 cars per 1,000 families in 1921 to 164 in 1926.

- (vi) During the period of National Prohibition, government figures recorded a 212 pound per capita increase in consumption of milk and dairy beverages (1917—26).
- (vii) Expansion in sales of fruit and vegetable juices and other products used in non-alcoholic beverages developed a new billion dollar industry.

26. In 1927 Dr. Haven Emerson assembled the following facts, among others, from data revealed by the U.S. Census Bureau comparing the years 1920—26 with the pre-prohibition years 1910—16.

- (i) The death rate from alcoholism fell to 19 per cent of the pre-prohibition rate.
- (ii) There has been less delinquency from alcoholism, fewer crimes against chastity, and less brutality to and neglect of children.
- (iii) There has been an increase in the proportion of all children who have continued in school beyond the minimum grades required by law.
- (iv) A large proportion of the commercial, philanthropic, State and other institutions for the care of alcoholic patients have been closed since Prohibition.

Evils Attributed to Prohibition

(a) *Corruption*

27. Attempted prohibition enforcement, for the first time in the history of the Republic, introduced into important departments of the Federal Government, corruption on a colossal scale, and scandals of such magnitude as to bring discredit upon the agencies of the government and shake the faith of the people in the integrity of the government they had set up for their protection. Six years after prohibition and the expenditure of vast sums of money to enforce the laws, the manufacture of alcoholic beverages by illicit distiller, and diversion and conversion of denatured industrial alcohol, became a great and growing industry. The money value of the output of these products was estimated to be several times as much as the combined expenditure for different alcoholic beverages prior to the Eighteenth Amendment. The value of the unlawful output of alcoholic liquor in a very small territory of the United States was said to be about four times the value of all alcoholic liquors consumed in the United States before prohibition. The immediate effect of curtailing the commercial supply of alcoholic liquors had been to drive the manufacture of whisky, wine, beer, cider and other alcoholic beverages into the homes of the American people in the presence of women and children.

(b) *Increased drinking*

28. Prohibition led to increased drinking of intoxicating liquor on the part of women and children; it popularised the hip pocket flask; it made the serving of liquors in the homes a social custom; it contributed directly to a condition of immorality graphically and tragically illustrated, in an alarming increase in social diseases—prohibition created a vast army of rum-runners, moonshiners, bootleggers, and corrupt public officials, thereby directly breeding a condition of lawlessness unequalled in the history of the Republic. This era of lawlessness had been disastrous to the moral standards of government and individual citizenship and its evil outcroppings

had been evidenced by the preponderance of desperate and violent crime. The cost of even moderately effective control of the commercialised traffic would mount to prohibitive sums. Attempted prohibition enforcement had not only had a demoralising and corrupting effect upon all governmental agencies concerned in its administration, but it had introduced demoralisation and corruption in the professional agencies charged with the protection of the public health—druggists and physicians. One section said that in addition to its complete failure as a temperance measure, prohibition had visited upon the country a train of evils of far-reaching and deadening effect upon the public morale and public conscience; it had been a prolific breeder of crime; it had demoralised the youth of the land. There were some who felt that it had been the greatest curse that ever came upon the country disguised as a blessing. Those who had more faith in temperance than in abstinence were of the view that the trend towards national sobriety under restrictions which enabled citizens to obtain their requirements for beer and wine of low alcoholic content, which was progressing so favourably between 1917 and 1919, was overthrown by national prohibition. There was diversion of medicinal and industrial alcohol and spirits among others, by the doctors, who were selling prescriptions blank and by the druggists who misused their quota and sold liquor to the patients in an impure and adulterated form under false labels. Doctors and druggists upon whom all depended for the health betrayed trust.

(c) *Smuggling*

29. Enormous quantities of liquor had been smuggled into the country and much of it came directly through a system of false labelling and false invoices. There was open defiance of law and millions of dollars were spent on additional equipment of the Coast Guard and on increase of its personnel. The assignment of the Coast Guard to the duty of preventing the smuggling of liquor had resulted in an outbreak of scandals within it, similar to those within the Prohibition Enforcement Department itself.

(d) *Working Capital for Criminals*

30. The enormous profits of bootlegging placed great sums of money in the hands of the criminal classes who previously were poverty-stricken. The detection and punishment of crime had consequently become more difficult.

31. A horde of spies and *agents provocateur* had been turned loose upon the community. The repulsive duties of the prohibition agent made it next to impossible to enlist the service of self-respecting men, and the class of men who had entered the services had been so discreditable as to lessen very seriously public respect for Federal officers in general. The *agent provocateur* who tempted others to break the law and order to make arrests, was held in disdain.

32. The discriminatory effect of the law caused wide-spread discontent. The rich man had a well-stocked cellar before prohibition and often he replenished the stock at bootleg prices, far beyond the reach of the poor man who was denied even his glass of beer. The former could make his own wine from fruits or flowers, but the city-dweller could not brew in his own kitchen.

33. Control of the drinking habits of the people was made impossible because when dealing in liquor was made a crime, there could be no

regulation of (i) the quantity or quality of liquor consumed; (ii) the hours, places or conditions of its sale; and (iii) the persons who may make, buy or sell liquor.

(f) *Increase in Crime*

34. There was increase in all manner of crime. A statement was issued in 1925 by the Anti-Saloon League following a survey of five cities. It was said that "rampant lawlessness is increasing. Laws of the State and nation are now held in greater contempt in these cities than ever before." Justice Clarke of the Supreme Court in his address at the New York University Law School in 1923 declared:

"Respect not only for that law, but for all laws, has been put to an unprecedented and demoralising strain in our country, the end of which it is difficult to see."

Reasons for failure of Volstead Act

(a) *Curb on Personal Habits*

35. The Volstead Act was unpopular with a large section of people as it interfered with their personal habits and pleasures and threatened to abolish the means of procuring them. They could not be convinced that their supplier was really a criminal, but they looked upon him rather as a benefactor and a friend. Dr. Eliot, President of Harvard University, referring to the upper strata, remarked:

"These so called best people, who are doing so much to interfere with prohibition enforcement, are causing a great deal of trouble in nearly all parts of the country, and they are teaching lawlessness, especially to the young men of the country."

(b) *Inadequate Judicial Machinery*

36. A situation which arose in the United States had not been anticipated and provided for. A good deal of dislocation took place in America on the passing of the Volstead Act when the Department of Justice had made no special preparations to handle the cases of the violators of the Act after they had been arrested. There was a feeling of complacency that the entire country would greet the Eighteenth Amendment with joy and thanks-giving. The "dry" leaders were confident that the existing judicial machinery would be able to handle the few prosecutions that might be necessary.

"No additional courts were established, no increase made in the personnel of United States attorneys and no new jails built or authorised. The result was that within a few months, federal courts throughout the United States were over-whelmed by the number of dry cases or their dockets, and the government penitentiaries were running out of space in which to store the convicted bootleggers and other violators."

Settled Cases on Small Payments

37. In order to meet the heavy arrears, two-thirds of the cases brought into courts were settled by pleas of guilt and such cases were classed as 'convictions'. According to a law officer, the people against whom convictions were recorded were really those who 'escape on payment of

money¹. It was stated that any violator was ready to compound with the prosecutor and part with a small part of his earnings. In 1924, the Annual Report of the Department of Justice declared that "The United States courts today are staggering under the load imposed on them by prohibition legislation."

Courts' Dockets Clogged

38. The legislators eagerly enacted "dry" laws but did not bother to make attempts to enforce them. But even desultory activity of State brought into the courts more prohibition cases than could be handled; the strain was tremendous. It was a common comment that the courts were cluttered with liquor cases and there were a large number of cases awaiting trial and the court dockets were thus clogged.

Insufficient Analysis Facilities : "Bargain Days"

39. The chemists who were called upon to make analysis of the seized liquor, complained that the staff could not analyse it even in a year. The Federal Courts were crowded to suffocation point. The judiciary was not enlarged by grant of proper funds. The Department of Justice relieved the situation somewhat by establishing 'bargain days'. On certain days of each week, large batches of violators knowing in advance that no jail sentences would be imposed pleaded guilty and paid fines. In this way, it became cheaper to operate a liquor saloon or to engage in liquor traffic under prohibition than under the licence system.

Corruption Fund

40. Corruption was so rampant that the bootleggers had to set apart considerable sums as a corruption pay roll which went to important officers of the Enforcement Department. Whenever raids were organised, police officials used to warn speak-easies beforehand and the politicians and officials would intercede for the violators and the magistrates discharged them.

The Three Great Waves

41. In the United States, there have been three great waves of prohibition agitation at intervals of approximately 35 years. The first wave was in 1850, the second in 1885 and the third in 1920.

The Drys' Enthusiasm

42. The third great wave started flowing after 1905 and reached its crest in 1920. Between 1907 and 1913, six states declared for prohibition. In 1913, the Anti-Saloon League which was organised in 1893 gathered momentum and enjoyed the confidence and support of the Churches. It made efforts to elect legislators who were sympathetically inclined towards temperance. Vast literature was collected and disseminated in the remote corners of the country. The impact of intensive publicity was such that by 1913, nine states had embraced state-wide prohibition, and in other states there was partial prohibition in several counties. According to these cycles, another wave is due around 1965. There is a growing realisation of the enormous toll taken by alcoholic beverages of lives, health and broken homes.

The Era of the Big Lie

43. Referring to the 14 years of prohibition, Asbury concluded:

"It must be remembered, however, that the 14 years from now—1920 to 1934—were not only the era of unparalleled crime and corruption; they were also the era of the Big Lie. The dries lied to make prohibition good; the wets lied to make it look bad; the Government officials lied to make themselves look good and to frighten Congress into giving them more money to spend; and the politicians lied through force of habit".*

Appointment of Wickersham Commission

44. President Herbert Hoover appointed on May 20, 1929 a commission of eleven members under the chairmanship of Wickersham, a distinguished attorney general, to make "a thorough enquiry into the problem of the enforcement of prohibition under the provisions of the 18th amendment of the Constitution and laws enacted in pursuance thereof together with the enforcement of other Law". The President emphasised that he wanted a broad enquiry dealing not only with the laws of the Federal and State Governments but with the enforcement of, obedience to, and attitude towards all laws. The Commission performed its task through public hearings in various parts of the country, by special studies of experts engaged by the Commission. It assembled from both official and unofficial sources much valuable data not previously available in consolidated form. A preliminary report was submitted in November, 1929, and a supplementary report in January 1931. Both dealt chiefly with legal and constitutional questions of procedure in law enforcement. The major report appeared under the title "A REPORT ON THE ENFORCEMENT OF THE PROHIBITION LAWS OF THE UNITED STATES." The report exposed the weakness in the first seven years of what it called "imperfect enforcement." It dealt frankly and fearlessly with questions as to lack of a master plan, of skilful leadership, of proper co-ordination and a united front between such important key agencies as the customs, coast guard, and prohibition bureau and even the activities of the pressure group and political forces, for and against enforcement. The major recommendations deserve to be examined.

45. It referred to "an attitude of hostility or contempt for the law on the part of those who are not unlikely to be leaders in the next generation." This Report stated:

"...the great mass of testimony is to the effect that the prohibition laws, as they are enforced, are not regarded in the same light as other laws; the prevailing attitude is one of defiance, resentment, or mere indifference. A violation in itself does not involve a sense of guilt; the only shame is in getting caught and successful violation is rather a matter of boasting. Fear of punishment does not act as a deterrent to manufacture for home use or to engage in the traffic....usually wife and children help in it and frequently it is the wife or a widowed mother who is the entrepreneur."

*The Great Illusion, Asbury, p. 332.

Conclusions of Wickersham Commission

46. The Commission studied the problems of prohibition enforcement for almost two years and made a final Report in January 1931. The Commission's main conclusions were:

1. The Commission is opposed to the repeal of the Eighteenth Amendment.
2. The Commission is opposed to the restoration in any manner of the legalised saloon.
3. The Commission is opposed to the Federal or State Governments as such going into the liquor business.
4. The Commission is opposed to the proposal to modify the National Prohibition Act so as to permit manufacture and sale of light wines or beer.
5. The Commission is of opinion that the cooperation of the States is an essential element in the enforcement of the Eighteenth Amendment... and that the support of public opinion in the several States is necessary to ensure such cooperation.
6. The Commission is of opinion that there is as yet no adequate observation of enforcement.
7. The Commission is of opinion that the Federal appropriations for enforcement of the Eighteenth Amendment should be substantially increased.

The Commission agreed that if the amendment is revised, it should be made to read substantially as follows:

Section 1: The Congress shall have power to regulate or prohibit the manufacture, traffic in or transportation of intoxicating liquors within the importation thereof into and exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes.

Reasons for the Repeal

47. There were, however, some members who favoured the immediate repeal of the Eighteenth Amendment. Monte Lemann said that since there was little reason to believe that the government could obtain the active support of the people, he saw no alternative to repeal. The other members favoured further trial, with perhaps slight revision of the Amendment.

Economic Depression

48. It was the economic depression which finally broke the back of the dry camel. The wets exploited this national disaster to the utmost. Their trained economists shouted that it was altogether due to prohibition and who was to prove it was not. Soon after election, President Roosevelt modified the Volstead Act so as to legalise beverages not containing more than 3·2% alcohol by weight. On February 20, 1933, the 21st Amendment was passed by the Congress repealing the 18th Amendment. It read as follows:—

21st Amendment

Section 1:—The eighteenth article of Amendment to the Constitution of the United States is hereby repealed.

Section 2:—The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3:—This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by Conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

49. When President Roosevelt signed the proclamation notifying the country that the repeal of prohibition had been ratified, he said:—

“I ask the whole-hearted co-operation of all our citizens to the end that this return of individual freedom shall not be accompanied by the repugnant conditions that obtained prior to the adoption of the Eighteenth Amendment, and those that have existed since its adoption....

“I ask specially that no state shall by law or otherwise authorise the return of the saloon either in its old form or in some modern guise.”

To the above, Asbury commented:

“Well, of course, there are now no saloons in the United States. Instead, there are bars, taverns, grills, and cocktail lounges. But, by and large, the same old rose with the same old smell.”*

Inadequate Implementation

50. The Congress was forced by Prohibition Administrators to make various changes in the Act but no action was taken before 1929. By that time the various forces, which wanted to discredit prohibition had organised themselves and had made wide criticisms of the efforts of enforcement, some of which were justified and others were not. One difficulty felt in enforcement of Volstead Act was, that there was practically no precedent and the situation in the country was changing. The constant drying up of the supply of the legal liquor increased the flow of illicit one. The difficulties in securing the convictions of the persons increased and the law became ineffective.

Defects in the Law

51. The purchase and use of intoxicating beverages was not forbidden under the law. Only possession of liquor other than for personal and family use constituted an offence. The courts naturally were not inclined to issue warrants for the search of private premises without having sufficient material before them to judge that illicit liquor was lying there. Premises could be used for storage of illegal liquor with impunity and a residential place could even be used for distilling illicit liquor without fear of prosecution. The prohibition Acts also insisted that the major defect in Volstead Act was that it did not make the purchaser guilty along with the vendor of illegal liquor. It was doubted if such a law could be enacted. The enforcement of prohibition was thus very much handicapped. any explanations are given for failure of prohibition of which inadequate law, means of enforcement, and corruption in the public are the more important. It also lacked popular support.

*The Great Illusion, by Herbert Asbury, p. 330.

Political Wire-Pulling

52. The opposition was organised when 18th Amendment came into operation. An association was started in April 1919, even before the war time prohibition was enforced, to prevent the United States of America to go dry and to prevent the 18th Amendment to become operative on 16th January, 1920. This association drew its membership mostly from brewers, who intended to challenge the constitutionality on the ground that the Federal Government had encroached upon rights of States. In 1923, the New York State Legislature repealed its enforcement laws. After 1926, a propaganda machinery was created by leaders of national status and funds provided for fighting prohibition. It also took the position that the 18th Amendment was unconstitutional, and was a failure and should, therefore, be repealed. Even the brewers went to the extent of contributing money for supporting the candidature of persons who were likely to support their cause in the Legislature.

Hardinge and Coolidge

53. The attitude of the Congress continued to be lukewarm and inactive. Neither President Hardinge nor President Coolidge could bestir themselves to enforce law. It was said of Hardinge that he disregarded the Constitution he was sworn to uphold and while the nation professed prohibition, the President's drinking parties were held in the upper floors of the White House. Though Coolidge did not go to that length, he entrusted enforcement of prohibition to A. V. Mellon, Secretary of the Treasury, who was an "ex-brewer and a friend of distillers." Ex-Senator Wheeler put it thus:

"The reason prohibition has not been successful is that they have appointed as head of prohibition enforcement a man who has been in the whisky business for last 40 years. I refer to Andrew M. Mellon"*

Senator G. W. Norris wrote:

"Prohibition did no have a fair trial. Its enforcement was in the hands of its enemies"***

Major W. B. Wright said:

"At any time . . . the Federal Government, almost in the twinkling of an eye could have stopped the crooked alcohol business, if the United States Secretary of the Treasury and the Attorney General had used the great powers given by the Federal Statutes to prevent and stop such law breaking"

"The Federal Government could have enforced the Eighteenth Amendment as the law was . . . if there had been a will to do so".***

*Ernest Gordon: "The Wrecking of the Eighteenth Amendment" p. 19.

**I/bid. p. 42.

***W. B. Wright: "Four Years of Law Enforcement in Pennsylvania", *Loc. Cit.*, p. 712.

Lecture on the Historical Study of the Temperance Movement in America also the Enactment and Repeal of the Eighteenth Amendment by Floyd O. Rittenhouse, Ph.D., President Emmanuel Missionary College at the Sixth Session. Institute of Scientific Studies, Loma Linda.

Situation after the Repeal

54. After the repeal of the Eighteenth Amendment, alcohol got into the saddle. The production of heavy drinkers, addicts and chronic alcoholics increased at the rate of 250,000 a year. The estimated number of heavy drinkers and alcoholics in the United States is seven million. There is a ratio of 1:9 between the occasional social drinkers and the alcoholics. One in five persons, when he started to drink as an occasional or social drinker, is on the way to become a drunkard. More than 5,000,000 arrests for drunkenness are made in the United States every year. The wage loss to the workers because of drinking exceeds 60 million dollars every year. The total loss to industry as a result of alcoholic beverages is 1400 million dollars per annum.

55. The traffic situation is frightening. Drinking driving kills 20,000 people every year on a conservative estimate. The number of injured persons in traffic accidents due to drinking ranges from 400,000 to 800,000. Taking into consideration the number of persons who fall prey to diseases promoted by consumption of alcohol, the alcohol beverages is a number four Public Health Problem in that country. After giving the above facts, Dr. Andrew C. Ivy says:—

“So, alcohol is an important cause of poverty, parental and juvenile delinquency, divorce and crime, and the debasement of human dignity. Another fact is that we spend \$10,000,000 a year on alcoholic beverages to produce all this human misery and waste, and only \$7,500,000,000 a year for all education. That word is ‘all’ with no exceptions, including research.

“I summarize the situation this way: We spend more to put the brain to sleep, and to create all this misery, waste, and debauchery than we do to awaken the brain and to create noble aspirations. Furthermore, we spend \$250,000,000—that’s a quarter of a billion dollars a year—to advertise the product which does this. In other words, we spend a quarter of a billion dollars every year to produce, not to prevent, the No. 4 public health problem.

“I repeat, in every other field of public health we spend millions to prevent, but in this case of consumption of alcoholic beverages, we spend a quarter of a billion dollars to cause and promote the No. 4 public health problem.”

CHAPTER VI

EXPERIMENT IN LIQUOR CONTROL IN SCANDINAVIAN AND OTHER COUNTRIES

In Sweden and other Scandinavian countries the campaign against drinking dates from the beginning of the 19th Century.

In Sweden, the Swedish Temperance Education Board (C.F.N.) which is a central organ looks after temperance education and temperance information. The work of the Board is directed by officers of the government and affiliated organisations. Its president is nominated by the government. The present Board has been formulated as a result of a decision of the Swedish Parliament in 1954. The C.F.N. is neutral in controversial, religious and political, including temperance policy questions. The major question before C.F.N. is as to how to reduce the consumption and abuse of alcohol. This is mostly done by spreading knowledge against indulgence in liquor.

State Control

2. The legislation regarding alcohol came into effect in Sweden on October 1, 1955. The State retains strict control on the trade in alcohol. The basic principle on which the legislation is based is that it distinguishes between the sale of strong drinks such as liquors, wines and strong beer and sale of ordinary beer which does not contain more than 2.8% alcohol. There is a special legislation for the sale of both types of drinks. The strong beers may not contain more than 4.5% of alcohol, but are available only in the depots provided by the States and in restaurants which have been given the right to serve them. The ordinary beer is treated as non-alcoholic beverage. The production of spirituous liquors for a person's own use is prohibited. The retail sales of strong drinks take place in special shops which are managed by the State Sales Company. The object in forming these companies is that private profit should be eliminated and control of these commodities should be with the state. The profit element however remains in the sale of ordinary beer.

Restriction regarding Profits, Quantities, Age, etc.

3. As a rule the elected council of the local authority has a right to decide about the licence of sale of liquor. There are, however, exceptions with respect to tourist hotels. The restaurants can sell liquor only for consumption on the premises at fixed prices. They are paid profit by the state at the rate of 15% on the sales effected in the restaurants. They cannot charge profit from the customer on the sales effected by them. Restrictions have also been placed on the quantity of liquor sold. No person who has not attained the age of 21 can purchase spirits, wine or strong beer in shops of the State Sales Company. These items also cannot be sold to a person who is under the influence of beverage or who abuses alcohol. A list of persons who are not entitled to purchase liquor is prepared by the retail companies, which is called a "black list" of persons. Such persons are not entitled to purchase liquor and no other person can

also purchase for them. Orderliness is to be maintained at the restaurants which is the responsibility of the owner. The strong liquors are not served to persons who have not attained the age of 18. It is also forbidden to consume or vend strong liquor at any festival or any other gathering open to the public. Taxation of alcohol is an important part of official temperance policy. The higher the alcoholic content of the drink the higher the excise duty. By increasing the taxation on beverages containing higher alcoholic content the state is trying to shift consumption from hard liquor to less intoxicating drinks.

Stringent Laws for Drivers—Cancellation of Licence

4. The legislation in Sweden has enacted stringent laws with respect to maintenance of sobriety for the drivers of motor vehicles. The drivers who are not driving the vehicle properly and having more than 0.5 per mille alcoholic content in blood receives a prison sentence and below that, the sentence of fine and/or imprisonment. If a person is suspected of driving a vehicle while drunk or under influence of liquor the police can take his blood sample and he is obliged to give it. If he commits offence against traffic sobriety his driving licence can be cancelled. The schools which impart training in motoring are required to give instructions regarding the effect of alcohol on ability to drive. In the case of a driver who has been convicted for drunken driving or lack of sobriety, while driving, his licence must be cancelled. A person who drives vehicle daily must abstain wholly from alcoholic beverages in order to be on the right side of law. In case of minor offences if the alcoholic content in the blood of a driver is less than 0.8% per mille he may be let off with a warning only. In case a licence is cancelled he cannot apply for fresh licence before the expiration of at least one year. The period may be reduced on special reasons by the administration. The women are completely emancipated and are often seen at the wheel in order to avoid drunken driving. The great stringency of the law has forced upon drivers, great caution and temperance. When one has to choose between the car and the bottle it has been seen that one prefers the former and thus many drivers become efficient.

Temperance Education Since 1840

5. From old times the State has been supporting educational activities concerning the use of alcohol. Even in the year 1840 the Swedish Parliament gave grants to temperance societies for arranging lectures and distribution of pamphlets. In 1892 the school teachers were directed to give instructions on the harmful effects of alcohol and in 1901 the Temperance Education Board was founded. One of the main functions of the Board is to arrange courses for lectures on the alcohol problem and to provide text books, hand bills etc. for the said purpose. Since 1919 the Board of Education has been supervising instructions in the alcoholic problems in the educational institutions. In 1928, detailed regulations were issued for imparting temperance education in schools. In 1954, the rules which exist at present were issued. In the beginning of the 20th century prohibition movement was strong in Sweden and the schemes to introduce total prohibition were being seriously considered.

The Bratt System

6. Dr. Ivan Bratt suggested that instead of introducing prohibition liquor should be rationed. The proposal was accepted by Parliament and became law in 1917. This system was known as 'Bratt System'.

The Bratt System, however, did not prove to be successful as it could not check the drinking habit amongst the youth and the villagers. A strong opposition arose against the system and a Commission was appointed to make a scheme in conformity with temperance policy. The Commission published its report in 1952-53 making the following proposals:—

- i. Alcohol in Sweden was causing damage and the State should take some action to combat this evil.
- ii. The Bratt System was not efficient and it spread the habit of drinking whereas it was designed to check it.
- iii. Proper attention and care was not taken of the persons who were abusers of alcohol.
- iv. If the State organised educational activities it could spread information on alcohol to a wider extent than would be possible otherwise.

Temperance Education

7. The government accepted the report. The imparting of education on alcohol now is under the supervision of a Board of Education whereas the work outside the school is done by voluntary organisations. A Temperance Education Board has also been formed in addition to the Board of Education. Regulations have been made with regard to the instructions to be given to the pupils about the effects of alcohol. The earlier instructions were issued in 1928. The latest instructions are of 1952.

8. The education on alcohol and other drugs is not confined to schools, but is also introduced in vocational training centres and other such institutions. In Sweden there is compulsory military training and all young men have to spend a year in national service. During this period he has to attend lectures on the deleterious effects of alcohol and other drugs.

Audio-Visual Education

9. The Temperance Education Board provides instructions in schools by arranging courses for lectures and by publishing hand books, producing films and other visual material. Some of the films are even shown in the public cinemas. Meetings are arranged by it in clubs, schools, military units, etc. It also supplies material to the press regarding new scientific data. In addition to the Temperance Education Board, there are several temperance societies which get basic grant from the government in proportion to their membership. Their members tour the country giving lectures at club meetings, public meetings, temperance societies, etc. etc.

These provisions can be adopted in our country with advantage.

Legislation regarding Alcoholics

10. The first Act relating to alcoholics was passed in 1913, though some institutions for the treatment of alcoholics existed even earlier. Subsequently a new Act was passed in 1931 in which the treatment aspect was given greater prominence. The latest Act is that of 1954 which provides a wider field of action for the public care of alcoholics. The legislation provides for the Local Committees called Local Temperance Committees. They endeavour to convey to him the dangers of alcohol abuse and apply on his behalf for suitable welfare measures. In certain more serious cases where compulsory treatment is needed, alcoholics are treated in special institutions.

Treatment of Alcoholics

11. The alcoholics may be kept for a maximum period of one year in the institutions. In special cases, the period fixed may be upto two years. In such cases the persons are compulsorily detained if supervision has failed to bring them to the sober way of life. Only a small group of alcoholics need this type of treatment. This treatment may also be provided for the person who intended to go there voluntarily. The "first timers" are kept for three to four months. They are also granted so-called probationary leaves during which they are placed under some supervision. This is third type of treatment which is known as a half-way house. The alcoholics are treated when they are at work in their usual places of employment. They can thus support themselves and their dependants. This has proved very valuable.

Finland

12. In Finland, national prohibition was preceded by a long period of temperance movement and by extensive experience with local prohibition. By 1900 nearly all the parishes were dry. The Finnish Parliament passed a prohibition bill in 1907 and again in 1909, but neither of these was approved by the Russian Czar on the ground that treaties with other countries would be violated. With the advent of independence in 1917, a prohibition law was adopted. As a result of strict regulation, consumption of alcoholic spirits had been reduced to a lower figure per capita than in other countries for which statistics are available. Though prohibition was introduced under favourable conditions, the result was similar to that in the United States. Smuggling, private distillation and abuse of medical prescriptions were extensive. A government investigating committee in 1931 found that drunkenness had increased rapidly and the number of intoxicated persons committing crimes had risen enormously. Following a plebiscite, the prohibition law was repealed in 1932 and prohibition was replaced by a government monopoly in alcoholic beverages.

13. Among the Scandinavian countries, Iceland and Norway have had considerable experience with state wide prohibition; and the other two, Denmark and Sweden, with local prohibition.

Iceland

14. In Iceland, the manufacture of intoxicants was prohibited in 1906, while importation and sales were prohibited in 1912 and 1915 respectively. These still continue in force except that importation of wine is permitted. Smuggling is, however, easy and enforcement is difficult. Medical prescriptions have been abused and imports of spirits by druggists have become very large.

Norway

15. In Norway, the home distillation of spirits was prohibited in 1845 and licences for sale were restricted. Later, the sale of spirits was placed in some districts in the hands of municipal chartered limited dividend companies, while in others it was prohibited by local option. In 1916, the sale of all alcoholic spirits, and of wine with more than 12 per cent of alcohol, was prohibited; and in 1919, general prohibition of all beverages containing more than 14 per cent of alcohol was adopted by popular vote,

with provision for the sale of beer and wine from 2·5 to 14 per cent subject to licence. This led to smuggling, private distillation and abuse of medical prescriptions. Prohibition was repealed in 1927, following a popular vote and the manufacture, importation and wholesale distribution of spirit was placed in the hands of a limited dividend company.

Denmark

16. In Denmark, licensing was made subject to parish elections in 1910. Many parishes voted for no-licence. Under a new law of 1913 licences were granted by parish councils, and most rural parishes elected councils pledged to refuse licences. A few years later, local option privileges were granted to both country and urban regions, and municipalities were authorised to set up limited dividend companies for the exclusive sale of liquor. As a result of heavy taxation upon spirits since 1917, smuggling has been kept at a minimum and both drunkenness and alcoholism have been drastically reduced.

British Experiment

17. A brief page from English history is not without its lesson. The climate of public opinion has a bearing on social legislation and is illustrated by the ebb and flow of public sentiment in the 18th century. The Gin Act of 1736 was a culminating point of a 'long campaign against the great destruction' wrought by gin and brandy. According to the commonly accepted view, the evil of drunkenness transcended all others in magnitude. In 1725, Sir Donald Dolins, Chairman of the Middlesex Bench in his charge to the Grand Jury said: "The Cry of the last-mentioned Wickedness, I mean, excessive drinking of Gin, and other pernicious Spirits, is become so great, so loud, so importunate; and the growing Mischiefs from it so many, so great, so destructive; that I can no longer doubt, but it must soon reach the ears of our Legislators". The Gin Act made the sale of spirits subject to such severe restrictions, that if it had been stringently executed, it would have led to a drastic curtailment of drinking, particularly among the poor people and it is unnecessary to go into the provisions of the Act. Though it was a popular wave against drunkenness which brought about the Gin Act, it was also popular prejudice against compulsory reformation of morals through law that made the Act ultimately a dead-letter. It was said against the Gin Act that it would cause disaffection and riots which could only be quelled by spilling blood and by putting an end to the liberties of the people. The Master of the Rolls, Sir Joseph Jekyll, who promoted the Act, had to be protected by soldiers against the fury of the mob. Bundles of copies of the Act were publicly burnt as the Act tended "to the utter subversion of the liberties". Sir Thomas Knight in his *Memoirs* said about the Act that it "heightened the evil by the addition of many others, as dangerous and detestable; for, on the one hand, it let loose a crew of desperate and wicked people who turned informers merely for bread; and on the other, it exposed number of unhappy people who before the selling of spirituous liquors by retail became a crime, had got a livelihood thereby, to be distressed, beggared and sent to prison". It was said in the Parliament "no private man, nay, no officer, durst inform, no magistrate durst punish, without being in danger of . . . the mob as he passed along the streets". The spirits began to be sold secretly and by subterfuge, the real offenders often hiding behind "some wainscot, curtain, partition or being otherwise concealed". In 1743, the Gin Act was repealed and replaced by a much

more moderate measure. By 1751, gin shops again abounded and the familiar outcry was again heard against drinking of spirituous liquors as destructive of health as they had allowed to destroy "Health and Debauch the Mind".

The Sale of Spirits Act (1750) 24 Geo 2 c. 40

18. The Sale of Spirits Act (1750) was passed in order to combat "the destructive influence of excessive drinking and inordinate or riotous amusements". The method underlying the Act of 1750 was 'for granting to His Majesty an additional Duty upon Spirituous Liquors and upon Licences for retailing the same'. It was proclaimed in the Act that 'the immoderate Drinking of Distilled Spirituous Liquors by Persons of the meanest and lowest Sort hath of late years, increased to the great Detriment of the Health and Morals of the common People'. This Act and those that followed figure amongst the earliest measures of social prophylaxis and a turning point in the social history. It was claimed for this Act that it marked a turning point in the social history of London as it succeeded in curbing the excessive drinking which had assumed the status of a "national peril". In the words of Leckey "these measures were far more efficacious and they formed a striking instance of the manner in which legislation, if not over-strained or ill-timed, can improve the morals of a people".*

19. The Act of 1753 vested in the Justices exclusive powers of control over public houses and thus made licensing more effective. In the words of Sidney and Beatrice Webb, "The Justices had an uncontrolled discretion to grant or refuse a licence, and in the crushing penalties against unlicensed sellers, an almost unlimited power of confining the drink traffic within legitimate bounds".**

20. The success of this legislation, though immediate, was not enduring. It was said that by 1776 'the liquor fire by which men drink their hell before-hand' was again sold almost unrestrictedly. The reason of this was that the good intention of the Legislator had been betrayed by the corrupt metropolitan Justices.

New Foundland

21. Newfoundland, which had had local option in several districts as far back as 1883, adopted prohibition by popular vote in 1915 and abandoned it nine years later in favour of control through a Commission.

Union of South Africa

22. In the Union of South Africa sale to natives has been forbidden and local option has been introduced in parts of the Union.

Turkey

23. In Turkey, the Nationalist government enacted prohibition in Central Asia Minor in 1920 and gradually extended its programme over the country. In 1924, prohibition was repealed and in 1926 the government monopoly was instituted.

*History of England in 17th century—1892, Volume 2, p. 104.

**The History of Liquor Licensing in England from 1700—1833, p. 38.

Other Countries

24. In other countries, legal prohibition of the sale of intoxicating beverages has been undertaken only in emergencies in respect of certain classes of the population or in case of extremely injurious types of liquor. Sales of deleterious alcoholic beverages, such as absinthe, have been forbidden in France, Belgium, Holland, Switzerland and Italy.



BASIC CONSIDERATIONS ABOUT ALCOHOL AND ITS DETECTION





CHAPTER VII

ALCOHOL RAISES SEVERAL PROBLEMS

Alcohol has certain properties which produce effects which are physiological as also psychological. In this chapter we are examining some of the apparent problems which confront the users of alcoholic beverages and those who come in contact with them.

Age-old Beverage

1. Ethyl alcohol—a volatile, inflammable, colourless liquid of a penetrating odour and burning taste, derived principally by fermentation or/and distillation, has been in use as a beverage virtually in all communities and in all ages. Its use has persisted in various phases of civilisation and cultures. In spite of known dangers through excess or otherwise, it has had a hold on substantial segments of humanity. It is because alcohol fulfils certain functions to which rightly or wrongly certain values are attached.

Fermentable Natural Materials

2. The primitive society was horticultural and agricultural and had discovered alcoholic effect in a great number of natural materials admitting of fermentation and brews, e.g. berries, fruits, honey, plant of various kinds, particularly the sap of different varieties of palm trees, juice of sugar-cane, cow's milk, and, in Central Asia, mare's milk. There is hardly a natural source of sugar from which some sort of fermented beverage has not been produced. A great number of tubers and cereals, such as, maize, rice, barley and many others are sources of starch for producing beer.

Approbation and Reprobation : Alcohol's Ambivalence

3. Whereas alcoholic beverage has been in use from times immemorial, a strong opposition to their consumption also dates from the same period. Among the Hindus, at one time in the early history, as has been noticed elsewhere, manufacture, transportation, sale, barter or use of alcoholic beverage was made a capital offence. The severity of law does not appear to have met with great success especially in breaking the habit where it had the sanction of custom, however dangerous it was considered to be. A significant feature, which requires a deeper study, is the ambivalent attitude towards drinking almost in all societies and in all ages. In the same society there has been an expression of love and hatred for the intoxicating beverages. The society has approbated and reprobated drinking. The causes of this contradictory approach need examination as that might provide an ultimate way out. From the dawn of history till now, fermented beverages attained a high status at all occasions. Whatever the ceremonial or ritual, alcohol presided over it. On all solemn occasions, sealing of pacts, signing of treaties, celebration of important events, whether tribal, family or individual, alcohol furnished the *titulus bibendi*, the pretext for drinking. During the course of our study, we discovered that among Adivasis and other tribals, at functions like marriages or mournings, child-births or funerals or any other extraordinary event, whether joyful or saddening, it is

customary to drink. Among the more sophisticated, any occasion for rejoicing is treated as an excuse for drinking. In such a case, taking of liquor is not induced in order to release tension. Alcohol on these occasions has acquired a social value.

Anxiety Remover

4. In so far as alcoholic drinking has persisted among men, we must endeavour to find the reason of its hold, particularly when the dangers inherent in its use were realised and understood. In a primitive or tribal society, the reason is ancestral usage, or a belief that the gods are pleased with it, or that it is a good food or that it has some curative effect. The poets have honoured it and have given it a prominent place in song and verse. Among certain communities, drinking is ceremonial and purposely excessive till they reach the stage of stupefaction. Drinking bouts at some places last for days. This is so among drinkers of *lugdi*, particularly among those living in Lahaul and Spiti on the Himalayas. The collective drinking is also well known in some sections of Adivasis. Apart from custom or fashion, alcohol has one quality—while its influence lasts—it reduces anxiety. Its sedative effect reduces the activity of the physiological mechanisms which produce anxiety or fear or a state of tension or any other painful condition. A man who worries, faces a problem and liquor is a palliative in resolving the tension. Anxiety is a universal phenomenon occurring in every society—sophisticated or simple. Tension is increased by anticipation of danger and resort is had to drinks in order to avoid or elude imminent vexation. The worries may be collective, e.g. drought, famine, epidemics, or war—when the threat is to the entire community. More often, the cause of anxiety is individualised. It is impossible to conceive of an anxiety-free condition, its intensity being in all cases relative. Apart from certain other drugs, alcohol fulfils an important function as a transient anxiety reducer. It has a preference over other drugs because its physiological effects do not last for an indefinite period and, despite the hang over, the recovery from stupor is not accompanied by perceptible ill-effects. The drinker gets sedation which dulls the edge of anxiety.

Easy Availability

5. Another reason for its acceptance is that the material for the production of alcoholic drinks are universally found, and a large variety of fruits, flowers, berries, stems, sap, roots, tubers and cereals can become alcohol generating. Comparatively, the technique for the production of alcohol is simple, easily learnt and inexpensive. In so far as it relieves a common ailment, it has acquired an accepted status in society and has become a distinctive symbol of social affability. Its principal hold is by reason of its effectiveness in consigning to oblivion the uneasiness of mind. A community confers distinction on a host who provides for his guests copious amounts of drink, permitting them to get drunk into stupor. This appears to be the basic feature of the psychological value of alcoholic beverage which has made it a highly successful drink welcomed by men in all cultural stages, from the primitive to the ultra-modern.

Discipline or Indulgence

6. The high value attached to liquor as a worry-dissolvent can only be counteracted by widespread knowledge of its deleterious effects on the individual and the society. The alcohol user, while endeavouring to solve a single problem, raises in the process, several other problems. The moment

inhibitions are lowered, certain destructive forces are let loose. The removal of restraint results in release of dangerous impulses including that of aggression and sex. Thus, the social need for release from tension, fatigue, anxiety, etc., stands in opposition to the social dangers generated by alcohol, beside other risks. Alcohol reduces worry, tension, fatigue, but in the process of reduction, there lurks a grave menace to orderliness, health, decency, discipline and self control. With the solution of one problem, more complex problems arise. Alcohol, while quelling problems by consigning them to oblivion, itself becomes a problem. It cures no fears, alleviates no frustrations; it only transitorily subdues or palliates them. The moment its effect evaporates, the anxieties and tensions return with redoubled vigour, again inviting alcohol to mitigate what it has already aggravated. So far, there is no therapy for overcoming the stresses which in a complex society cannot be easily avoided, except by discipline and tolerance. Every time an attempt is made to ease inquietude by libations of liquor a habit is in the process of formation which increasingly tightens its grip, and, in the end, alcohol consumes its consumers.

Social Censure

7. Far more effective is social disapproval of an improper degree of release, provided of course the society or group is unequivocal and uncompromising in its disapprobation. Social contempt for a particular behaviour may be so strong that it may compel an individual to change his habit or inclination. Social censure of inebriety, where it is strong, has been more effective than criminal law even if draconic in its severity.

Jews and Muslims

8. The Hebrew people have a remarkable restraint in the matter of consumption of alcohol, though from the point of view of anxiety or fear as a community, they have always been under strain as victims of aggression, having been persecuted in every age. Nevertheless, they have schooled themselves to face fears and suffer persecutions which are most inhuman without seeking the sedative comfort of alcohol and without resorting to inebriety as a therapy. Where Islamic culture prevails, Muslims are total abstainers and this is because of strong religious disapproval of liquor.

Social Stigma

9. Even among communities where men drink, social disapproval of drunkenness in women has been very effective. It is said that in England, there are two male inebriates to one female inebriate; in the United States, the ratio is 6 to 1; and in Norway, 23 to 1. Statistics are not available for our country. But it is well known that among social groups where drinking is an accepted social trait, the ratio of female inebriates is only fractional. These social standards have a strong influence on drinking habits and the attitude of the community, becomes the governing factor, the fear of social ostracism, is more dissuasive than the stigma of conviction.

Relief from Tensions

10. In a social group, a person cannot always live according to his whims and caprices and has to subordinate his instincts which run counter to the social norms. This generates tension which, being painful, demands

relief. Relief is possible in one out of the two ways—either the conditions which have created tension are eliminated, or substantially reduced; or a mode is found for relief of tension though the cause of tension continues. The sources of tension cannot always be removed as they are beyond the control of the individual. Sickness, disease, fear, poverty, and other disappointments in life create tension, but it is not always within human power to remove these causes. Failures and disappointments have their effects and they cannot be retro-actively uprooted. Under pressure of tension, recourse to release is sought but the choice between wholesome and injurious releases is often conflicting. Resort is often made to control releases through religion, mental discipline, social taboos, including social approval or disapproval or other educational measures. Another effective mode of management of a release is by legal control.

Religion

11. Religion has provided relief from tension compensating persons for frustration of life and offering a purpose when seemingly life has become purposeless. Religion equips man for tolerating frustrations.

Alcohol Creates Problems

12. In any given society, particularly in ours, the problem created by alcoholic beverages assumes not only immensity of magnitude but also diversity of harm. Alcohol does not merely create problems of physical health but also of mental, moral and social well-being.

13. Alcohol has created problems of alcoholic disease, mental disorder, health, divorce, crime, domestic infelicity, economic suffering, absenteeism and hazard to traffic and industry. Inebriety is taking a heavy toll of human life, efficiency and happiness.

Family Problem

14. Alcohol is a family problem as it is disruptive of home, productive of divorces and destructive of domestic felicity. Violence, neglect of children, poverty, delinquency and anti-social activities follow in its trail. Alcoholic homes produce juvenile delinquents. Most divorces are alcohol caused. Parents are finding it harder to enforce discipline because of declining respect for and increasing revolt against parental authority.

Religious Problem

15. It is a moral and religious problem because it blunts all moral and religious inhibitions and invariably leads to a course of conduct which both religion and morality frown upon.

Health Problem

16. It is a public health problem so far as alcoholics are concerned, as alcoholism is the ultimate result of drinking, however slow the beginning may be. The first drink is a step towards ultimate alcoholism and the alcoholics are multiplying with the rising popularity of alcoholic drinks.

Medical Problem

17. Alcohol is a medical problem in so far as it brings in its wake many diseases and, indirectly, by impairing resistance, it stands in the way of cure.

Industrial Problem

18. Alcohol is an industrial problem as it adversely affects the output, raises costs on account of accidents and pay day absenteeism. Drinking workmen are not only inefficient but highly expensive, because of industrial accidents caused by them and poor turnover*

Economic Problem

19. Alcohol is an economic problem subjecting the society to the burden of high taxes and large sums have to be spent in repairing the ravages which are being wrought on account of drinking. It becomes an economic problem of a very acute type for the poorer sections of the society as the drinking bill is not only a wasteful bill but also impoverishing.

Corruption Problem

20. Above all it is a corruption problem. Dealers in liquor, bootleggers, smugglers and sellers are a great corrupting influence perverting the integrity and fidelity of enforcement agents and also of others. These problems have many facets and have to be faced from all sides. It is not merely the responsibility of the government but equally of the medical profession, the educationists, the social workers of both sexes, in particular of women, leaders of public, the law-makers, the enforcers, the press and of everyone who can influence people's thinking and conduct.

Enforcement Problem

21. Alcohol is also a law enforcement problem. Apart from the contravention of liquor laws, alcohol also abets crimes, varying from the heinous to the petty. It raises the crime bill adding to the cost of enforcement, involved from the time of arrest till conviction and even beyond, including maintenance in jail till release.

Traffic Problem

22. Alcohol is also a traffic problem, as a very large percentage of accident toll results from drinking. In certain countries, it is estimated that more than 60% of all road accidents are caused by drinking drivers.

Moderate drinking also a Problem

23. There are two dangers of moderation. The milder liquors create the alcohol habit by planting the seed of habit forming appetite which becomes progressively insatiable. Secondly, the moderate drinker suffers from a spurious sense of security. He has got confidence though false that his faculties are unimpaired. The man who is drunk is not much dangerous, at least from the view point of others, as the condition of his inebriety is so advanced that his potentiality for mischief is greatly reduced. More accidents are caused by those who are under the influence of intoxicating liquor but not yet drunk.

*Marshal B. Clinard in his book 'Sociology of Deviant Behaviour' (p. 320) refers to a comparison between industrial workers who were problem drinkers and others. It was observed that the problem drinkers had 2.9 times as many days absence and 2.5 times as many cases of illness or injury-caused absence of eight days or more as the others. The cost of sickness payments was 3.2 times as great and, in the case of women problem drinkers, twice as great.

CHAPTER VIII

ALCOHOLISM

Classification of Alcohol Drinkers

Those who do not abstain from alcoholic beverages have been classified under six categories :

- (i) Occasional drinkers;
- (ii) Moderate drinkers (three times a week);
- (iii) Habitual, social or dietary drinkers (more than three times a week);
- (iv) Heavy drinkers (people who drink so much that they get into domestic, social or business trouble but they can quit drinking voluntarily);
- (v) Addictive drinkers (alcoholics): these are persons who cannot quit drinking of their own free will but require treatment;
- (vi) Chronic alcoholics: these persons show mental and physical deterioration.

All these persons, barring occasional and moderate drinkers, constitute a public health problem. In countries where drinking is not under control, the number of people going down-hill is proportionately rising. Unfortunately, there are no surveys in India from which the damage done by alcoholic drinks can be assessed but from the experience of other countries, it is clear that the number of heavy drinkers and ultimate alcoholics is swelling.

What is Alcoholism?

2. The word alcoholism implies a disease, habit or addiction, caused by the breaking down of the person's system by long, continued or habitual drunkenness to that condition of the mind directly produced by the use of ardent spirits. Alcoholism is a condition resulting from the abuse of alcohol; a morbid condition resulting from the inordinate or excessive use of alcoholic beverages; and is the pathological effect of excessive indulgence in intoxicating liquors. It results in attacks of delirium tremens and alcoholic homicidal mania. An alcoholic has an uncontrollable desire for the effects of alcohol which has resulted from an unnatural dependence upon alcohol, loss of control over the quantity consumed and serious impairment of mental faculties. It is a disease which attacks the spirit, the mind as also the body. When induced by excessive potations at one time, it is acute. It is chronic when it results from the long continued use of spirits in comparatively smaller doses.*

An alcoholic, by reason of chronic and habitual indulgence in intoxicating drinks, loses the power of self-control and, under their influence,

*3 CJS, p. 510.

endangers public morals, health, safety or welfare and he may commit maniacal or irrational acts.

Alcoholism in Other Countries

3. Alcoholism is a serious public health problem and is spreading. It is number one problem in France, number two in Germany, number three in Australia and number four in America. Unfortunately, no such records are maintained in this country, but easy availability of and addiction to strong drinks is conducive to alcoholism.

Medico-legal Studies.

4. Greater attention deserves to be paid to the study of various aspects of alcoholism in view of its rising spiral. The medico-legal aspects of alcoholism are being studied under the auspices of European Institute for the Prevention and Treatment of Alcoholism under the chairmanship of Dr. M. Vamoci of the Martin Luther University Hall. This is a big project which promises to be of great scientific value. Another committee under the direction of Dr. Hugo Solms of Geneva, is devoting its attention to cultural factors in a society and their relationship to the treatment of alcoholism. There are said to be at least twenty different treatments for alcoholism and this committee is evaluating them. It is believed that under modern treatment, the recovery of alcoholics is 25 to 30 per cent. Countries of Eastern Europe lean heavily on compulsory treatment of alcoholics as a requirement which, they believe, is imperative for the preservation of society. Studies are devoted to the conditions which are peculiar to psychopathic cases. The psycho-neurotic stresses which are driving people to alcoholism, particularly women, as also the influence of their social surroundings are under scrutiny.

Affluence and Social Conventions

5. Alcoholism has been on the increase where alcoholic drinks are easily available. Affluent society and social conventions are bringing more people into contact with alcohol and once a person takes to it, it becomes more difficult, though vital, to resist its effect. The drinker is misled by its initial exhilarating effects, but the sense of well-being or euphoria is only transitory.

Alcohol as a Crutch in Tensions, etc.

6. The lives of most people are not free from tensions, frustrations, anxieties, consuming jealousies, abiding hatreds and deep resentments which keep accumulating. Such a person takes to alcohol as a crutch and avoids deep contemplation. Self-control and self-restraint are the only legitimate safe ways of relieving mental stresses. In these straits, the only faculty which might ease is the brain and this is the one which the drunkard puts out of use. The brain can help in relieving tension but that is put out of action by the anaesthetic effect of alcohol. The result is that the moment the sedative or hypnotic effect of alcohol wears, the same anxieties which have been eating into his vitals leap up, and to relieve them he leans on alcohol again, thus creating an ascending spiral which becomes a vicious circle difficult to break through.

Chain Reaction

7. A chain reaction is thus created. Euphoria is soon replaced by the remorse and misery, and to drown which the next drink follows. When the effect is worn out, there emerge feelings of remorse, shame and to bolt out this hangover, forgetfulness is sought in the next drink.

The Victims of Alcohol

8. Alcohol in its attack chooses the lonely, the weak, the mal-adjusted and the mentally unstable. From these, alcoholism recruits its victims. The preponderant causes of alcoholism must be regarded as 'environmental and social' in nature. In young people, factors and influences of group psychology pave the way for alcoholic addiction. They wish to conform to the standards set by their elders to overcome feelings of shyness and social restraint, to be recognised as fully grown-up members of the group. The beginning of alcoholism almost always occurs in a certain sort of social setting. In the case of addiction, the alcoholic may try to get alcohol in any form, irrespective of taste or quality; cases in which furniture polish, denatured spirit or eau-de-cologne have been drunk, are known to every psychiatrist.

Self-invited Disease

9. Wealth and social mores establish contact with alcohol and the occasional social drinker joins the queue on his way to become alcoholic. People who have emotionally an escapist tendency are prone to become alcoholics provided there is enough drink to swallow over a long enough period of time and have emotional crisis to face in life. Such persons are called neurotic relief drinkers and instead of having the courage to face difficulties confronting them they use alcohol as a mental escape. In a sense the disease of alcoholism is self-invited, but is really due to inner weaknesses, external social pressures and circumstances over which a person may have no control. Some of the reasons given as excuses for drinking are: the example and company of others, membership of a club or organisation accustomed to meet in an inn, a visit to a public-house to show off as being older from the run, special family occasions, festivities, birthdays, the celebration on passing examination or of business successfully concluded, professional meetings, the standing of runs by friends, unexpected earnings which had to be spent. Seasonal celebrations are also made the occasion for alcoholic excess. Another favoured excuse is the escape from an unpleasant situation, a mood of depression, annoyance with a friend, rancour against an enemy, a dispute with the wife, loss of money in gambling, loss of a job, the reproaches of the parents, and unhappy love affairs.

Alcoholism is Costly

10. It has to be remembered that its cost in money alone is astronomical. America's alcoholism bill is estimated at over \$ 50,000,000,000 a year and this is more than what that country spends on its defence. Alcoholism has no territorial confines and we have every reason to fear it. For want of surveys, we are not in a position to assess the extent of the depredations of alcoholism, but ignorance should not justify self-complacency.

Drugs and Reintegration

11. In the case of alcoholics, the use of drugs, such as ANTEBUSE, ORINASE, DIABINESE is advised so as to create an aversion. Drugs alone are not successful in curing alcoholism. What is important is the reintegration of the sufferers into the community from which they are trying to escape. Alcoholics have to be rehabilitated.

Alcoholics Anonymous

20. The fellowship of Alcoholics Anonymous was founded in Akron, Ohio in June, 1935, by the two alcoholic chronicers viz. Mr. W. Bill and Dr. S. Bob. It has today over 300,000 members scattered in about 80 countries. There are about 300 members of this Society in India. The only requirement for membership is a desire to stop drinking. The Society is not allied with any sect, denomination, politics, organisation or institution. The primary purpose of its members is to stay sober and help other alcoholics to achieve sobriety. There are no dues or initiation fees. A voluntary collection is taken at each meeting to defray current expenses.

21. The Alcoholics Anonymous is a fellowship of men and women who have one problem in common—the excessive drinking of alcohol, and they help one another to bring about relief from the affliction of alcoholism. The members of the society endeavour to preserve their own sobriety by sharing it with other alcoholics. They feel that alcoholism is a physical compulsion coupled with mental obsession. It is a progressive illness that cannot be cured but may be arrested.

A.A.'s Twelve Suggestions

22. Alcoholics Anonymous suggests a twelve point programme of recovery for alcoholics. In order to achieve sobriety, the Society members are advised to practise these twelve-point programme in their daily lives. To begin with, the members try to practise as many of the twelve suggestions as possible for 24 hours in the first instance. The next day the same procedure is followed—it is repeated on each succeeding day until they find that these 24 hour periods have grown to weeks, months and so on. The twelve points are:—

- (1) We admitted we were powerless over alcohol—that our lives have become unmanageable.
- (2) Came to believe that a Power greater than ourselves could restore us to sanity.
- (3) Made a decision to turn our will and our lives over to the care of God as we understood Him.
- (4) Made a searching and fearless moral inventory of ourselves.
- (5) Admitted to God, to ourselves, and to another human being the exact nature of our wrongs.
- (6) Were entirely ready to have God remove all these defects of character.
- (7) Humbly asked Him to remove our shortcomings.
- (8) Made a list of all persons we had harmed, and became willing to make amends to them all.
- (9) Made direct amends to such people whenever possible, except when to do so would injure them or others.
- (10) Continued to take personal inventory and when we were wrong promptly admitted it.

- (11) Sought through prayer and meditation to improve our conscious contact with God as we understood Him, praying only for knowledge of His will for us and the power to carry that out.
- (12) Having had a spiritual experience as the result of these steps, we tried to carry this message to alcoholics, and to practise these principles in all our affairs.

Prayer

23. The meetings of Alcoholics Anonymous are preceded by the following prayer by its members—

God grant me the serenity
 To accept the things I cannot change...
 Courage to change the things I can
 And Wisdom to know the difference...

24. On 9th June, 1963, we paid a visit to Alcoholics Anonymous at Byculla, Bombay and attended their meeting. We were impressed by the earnestness and the sincerity and we were told that Alcoholics Anonymous was doing useful work. Such gatherings of the afflicted do seem to help in mental re-integration.

Public Education Necessary

25. We feel that public education on alcoholism is very necessary as that would forewarn its likely victims as to what is in store for them if they cannot curb their desire for liquor.

Hospitalisation

26. Provisions should also be made for the care of the alcoholics either as out-door or as in-door patients in cases where hospitalisation is necessary. Except for the destitutes, the alcoholics should be made to bear the cost of their treatment so far as possible. The institutions will need the services not only of physicians but also of psychiatrists, psychologists, social workers and former alcoholics, like members of Alcoholics Anonymous. Alcoholism usually defies cure and therefore, one needs remembering the truism that prevention is better than cure.

Treatment of Alcoholics

12. The first step in the treatment is the diagnosis or the evaluation of the drinking pattern, the state of the alcoholic disorder, and the study of the complicated factors—environmental and others—of the personality of the patient. The complications may be somatic or psychiatric. Other countries rely in the main upon psycho-therapy in the treatment of various psycho-neuroses. An effort is made to eliminate the underlying causes and to change the emotional state of the patient so that he can, even if for a short time, look after himself without drinking.

Sensitization Therapy

13. A more modern treatment is sensitization followed by administration of a drug known as disulfiram (tetraethylthiuram disulfide). It is known under various names *e.g.* Antebuse, Alcophobe Antietyl, Aversan and several others. The technique of this therapy is as follows:

Disulfiram Develops Aversion to Alcohol

14. The patient is given daily a dose of disulfiram, usually 0.5 gm., for a few days. It is then followed by a small test drink of an alcoholic beverage. With disulfiram in the body when drinking alcohol, there is a reaction of flushed nausea, vomiting, sudden sharp drop in the blood pressure, pounding of the heart and a feeling of impending death. These symptoms are believed to be due to the excess accumulation of acetaldehyde in the blood because of disulfiram. This therapy has to be applied under medical supervision. While under disulfiram medication, the patient when taking alcoholic drink develops aversion. It is this dread of the consequences which makes the alcoholic abstain from drink. Gradually the patient tries to stay sober without leaning upon disulfiram.

Talbutamide and Chloropropamide

15. Disulfiram was introduced in 1948 by Erik Jacobson of Denmark. The drug has been tried in Europe and South America and in other countries and has been accepted by the medical profession as a useful adjunct in rehabilitating alcoholics. Disulfiram is cheap and easy to administer but requires the co-operation of the patient for continuance of the treatment. The other drugs which can be orally used are talbutamide (Orinase) and chloropropamide (Diabinase). Information about these drugs and their effects can be gathered from a number of authoritative medical books*.

*Pharmacology by Beckman, pp. 277 and 734—38. Hald J., Jacobsen E. and Larsen V: The sensitizing effect of tetraethylthiuram disulphide Antebuse to ethylalcohol: Acta pharmac Kbh. 4; 285—296 1948. Disulfiram Council on Pharmacy and Chemistry: New and Nonofficial remedies J. Amer. med. Ass. 151; 1408-1409, Jacobsen E. Deaths of alcoholic patients treated with disulfiram. (tetraethylthiuram disulfide) in Denmark Quart J. Stud. Alco 13; 16—26 1952. Lester D. Conway E. J. and Mann N. M. Evaluation of antidotes for the alcohol reaction syndrome in patients treated with disulfiram (tetra-ethylthiuram disulfide). Quart J. Stud. Alc. 13; 1. 8. 1952. Gottesfeld B. H. Lasser, L. M. Conway E. J. and Mann N.N. Psychiatric implications of the treatment of alcoholism with tetra-ethylthiuram disulfide—A preliminary report. Quart J. Stud. Alc. 12; 184—205 1951. Martensen-Larsen Psychotic phenomena provoked by tetraethylthiuram disulfide Quart J. Stud. Alc. 12: 206—216 1951. Usdin C. L., Rond P. C., Hincliffe J. A. and Ross W. D. The meaning of disulfiram to alcoholics in group psycho-therapy. Quart J. Stud. Alc. 13; 590—595 1952.

Aversion Therapy

16. Conditioned-reflex or aversion therapies are on somewhat similar principle. The patient is given drugs orally or by injections in order to cause nausea and vomiting. He is given alcoholic beverages to drink when the drug is about to take effect. By repetition an aversion is developed in the patient. The drugs used for this purpose are emetic and apomorphine.

Adjunctive Therapies

17. There are also other adjunctive therapies. Adrenal steroids and Adrenocorticotrophic hormone have been used to build up euphoria or a state of well-being in the alcoholic patient along with large doses of vitamins. Therapists have considered this specific treatment for alcoholism but they like to augment it with psycho-therapy. The suggestions regarding therapy have been made with a view to get the therapeutic possibilities assessed by the leading representatives of the medical profession who may be well up in this branch of pharmacology and medical treatment. The ordinary medical practitioner is not conversant with all the advance made by the medical science.

Programme for Treatment

18. The problem of alcoholism is of growing gravity in most countries of the world. It is recognised by the psychiatrists as the most difficult of mental diseases and completely destructive of physique. It is a 'disease' which not only attacks the body but also the spirit and the mind and does not admit of simple or easy cure. It is characterised by a desire for the effects of alcohol which is uncontrollable, by dependence on alcohol which is unnatural, by the loss of control over the amount consumed, by serious deterioration of physical health and above all, by impairment of mental faculties. Apart from the physical disorders brought in its train, it also is accompanied with psychological and emotional disturbances. There is appalling prevalence of alcoholics in most countries where drink freely flows. A programme for treatment of alcoholics at their cost, except among the indigent, should be drawn up according to the local needs after a proper survey is made of the alcoholics. Some of them will only require domiciliary care while others will need institutional attention. In the United States, the average longevity is close to 70 years, but the alcoholics' average span of life does not exceed 50.

Euphoria or Prevention

19. Even if cure of alcoholics presents a difficult problem, its prevention is certainly not unmanageable. There are a few good medical books on the treatment of alcoholism which are a valuable guide to the medical profession.*

*(1) *Alcoholism: A Treatment Guide for General Practitioners* by Donald W. Hewitt, M.D., published by Lea and Febiger, Philadelphia (Chapter 6, pp. 69—80).

(2) *Management of Addictions* by Edward Podolsky, M.D., published by Philosophical Library, New York (Chapter 19).

(3) *Progress in Clinical Medicine*: Edited by Raymond Daley and Henry Miller, J. & A. Churchill Ltd., London (pp. 270-271).

(4) *Alkoholismus*—Mudr. Jaroslav Sakala.

It is a book in Russian; from page 209 onwards, there is a summary in English of the various problems of alcoholism. At p. 217 the treatment is given.

CHAPTER IX

ALCOHOL AND THE ARMED FORCES

The impact of intoxicating drinks on the Armed Forces is a subject which requires to be closely studied by scientists, psychologists, military, medical and other experts. Alcohol has made a contribution on the battlefield and has played a part on the fighting front which is by no means inconsiderable. The fate of many a skirmish or a battle would have been entirely different if liquor had not entered the lists. It will not be without interest to briefly refer to the historical aspects of drinking by the armed forces when engaged in military action.

Wine Killed Alexander

2. The death of Alexander the Great before he completed his 33rd year was under tragic but very significant circumstances. He had undertaken the preparation of an immense fleet of a thousand ships and was carrying out innovations in the technical system of the army for future battles but his hopes were not destined to be rewarded. On 31st of May and 1st of June, 323 B.C. he caroused the whole night drinking in the house of his friend Medius and the whole of the next day was spent in sleeping off his drunkenness. The Bacchanalian orgies were repeated the following night. He twice filled the Herculean cup of wine containing six quarts and fell into a drunken stupor. On waking, Alexander was unable to rise. His speech was gone a few days later, and on June 13 his sleep became eternal.

Burgundy Wine and the Battle of Waterloo

3. The battle of Waterloo was fought on June 18, 1815. According to one author Burgundy wine stepped in and contributed to Napoleon's defeat. He describes it thus:

"The Little Corporal had every opportunity to win the battle. He had the strategy, the ingenuity and the trained veteran troops. However, the night before that fatal conflict, Marshal Ney, 'General of the Armies' spent the night with his Burgundy wine. In the morning his mind was in such a befuddled state that he could not reinforce Napoleon in time; so instead of receiving an emperor's throne the Little French warrior went into exile."

World War I: Germans

4. In recent history the turning point of the World War I which heralded the collapse of Germany is attributed to their lack of resistance to French wines. This is what happened somewhere near Paris:

"The Germans were pressing against the very gates of Paris. They had taken the surrounding villages. However, the wily French left their cellars filled with potent liquors and the Germans

instead of pressing their advantage and entering the city immediately went down into the wine cellars of the towns adjacent to Paris and came up in such an intoxicated condition that they were unable to fight. The Crown Prince in his memoirs telling of this defeat of the Germans made bold to state that the turning point in World War I was when three crack German veteran divisions came out of the wine cellars of the villages near Paris so intoxicated that they were moved down by the machine-guns of the Allies."

French

5. The French who are given to drinking were not oblivious to its evils at the outbreak of the War in 1914. The French Government commanded all the prefects and the military governors of Paris and Lyons to prohibit the sale of absinthe. This was only a feeble step to prevent the dominance of drink from demoralising the French. The measures being so feeble, the condition of malady being so advanced, the net achievement was that drink debilitated defence.

Russians

6. By the order of the Czar of Russia, dated July 31, 1914 "all wine shops, beer saloons and government vodka shops were closed" during mobilisation. On October 11 of the same year the Czar was petitioned by the Russian people with a request that prohibition of the state sale of vodka should be made permanent. He replied: "I have decided to prohibit for ever in Russia the government sale of vodka". On October 23, 1914, local government bodies were permitted to demand the prohibition of the sale of all strong drinks. The good effect of this order was felt and because of prohibition Russia was able to complete her initial mobilization in 16 days instead of a month. In the words of Professor Pares, the official British eye witness of the Russian Forces: "I can state with certainty that there is not one case of drunkenness in the whole of the Russian Army". No further comment is called for.

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George Washington

7. Both in the American Revolution and the Civil War it was felt that troops should be kept free from hard liquor and measures to that intent were passed, though they turned out to be ineffective. George Washington in his order dated March 25, 1776, enjoined on the officers of the continental army to prevent the soldiers from frequenting tippling houses. Sale of liquor to troops through Army canteens was forbidden first in 1832 and again in 1882. At the end of the 19th century, although the Army canteens continued to function, their sale was restricted to light wines and beer to the troops. In 1901, Congress passed a law forbidding the sale of liquor from Army canteens on the ground that military efficiency was being undermined. They believed that:

"prostitution, alcohol and venereal diseases have been and are an inseparable trio and to successfully combat one means a concerted attack on all the three."*

*The above extracts are from an article by Francis A. Soper, Editor of "Listen", appearing in 'Alert', Vol. X, No. 1 (p. 12).

The American Propaganda

When the Eighteenth Amendment to the American Constitution introduced prohibition, America had entered the First World War and prohibition was one of the planks of patriotic propaganda. Prohibition was proclaimed as the "first and foremost patriotic programme of 'winning the war'." There was a campaign by the prohibitionists that food should be saved from alcohol for the Allies. It was also said that drinking beer by the Americans facilitated the spying work by German agents. The current argument which favoured the cause of prohibition during the days of the First World War was stress on human efficiency, whether in the factories producing munition or in the fighting forces. It was said that beer drinkers showed three times as many 'errors of precision' and also that 'good shooting demands good eye-sight'. The argument based on food conservation was emphasised particularly in view of the submarine blockade of England and France. One economist of America claimed that the grain used in liquor manufacture would produce 11 million loaves of bread a day for the starving Allies. Maud Radford Warrel in 'Everybody's', November 1917 said: "Every man who works on the land to produce drink instead of bread is a loss in winning the war; and worse he may mean a dead soldier". Prohibition was believed as "the infallible submarine chaser we must launch by thousands". It was said:

"Total abstinence is the imperceptible curtain barrage which we must lay before every trench. Sobriety is the bomb that will blow Kaiserism to kingdom-come. We must all become munition-makers."

It was said that liquor was the chief ally of the Kaiser and that the elimination of its traffic in America would mean victory to the forces of Americanism.

Lloyd George and G. K. Chesterton

8. Lloyd George was quoted to say that the liquor traffic was a greater enemy to England than Germany and Austria were. He said that in view of the sacrifices by American mothers of their sons to the Army the plain duty of his Government was to return each soldier boy "as pure and morally clean" as on the day he left home. G. K. Chesterton who himself was not a teetotaler admitted in 1922 that prohibition had been passed "in a sort of fervour or fever of self-sacrifice which was a part of the passionate patriotism of America in the war".

World War II: Marshal Petain

9. Wine had played an important part in World War II. During the early days of the Second World War the French Army believing in the impregnability of the Maginot Line lay behind it drinking their favourite red and white wines. Germany's flanking action avoiding the Maginot Line led to the rout of the French forces. On the fall of France, Marshal Petain broadcast to the World the story of the collapse of France. He said "Our men drank and could not fight".

Field-Marshal Montgomery

Field-Marshal Montgomery has been a total abstainer from alcoholic beverages. He rocketed into fame in World War II. At a crucial moment:

during the last war when the German General Rommel was driving the British towards Egypt, General Montgomery was brought to the scene and it was he who ultimately drove General Rommel out of Africa. When he took command of the retreating Allied Forces where demoralisation had set in, he ordered that no beer be sent to forward troops. The British troops then carried the headline "Beer for the Eighth Army stopped by order". In the midst of his campaign in North Africa when General Montgomery was asked how he kept fit he replied: "I do not smoke; I do not drink. I go to bed at 10 o'clock except when duty forbids and I am hundred per cent fit".

Pearl Harbour

10. There were several causes for Pearl Harbour's debacle. It may not be entirely causative but one important fact is that in Honolulu 54 per cent of the wine shops were owned by Japanese and it was customary for them to extend special invitations to the service personnel on Saturday nights after pay-days. Regarding Pearl Harbour incident commander Mitsu Fuchida, a Japanese Naval Officer in a letter to Ernest Gordon, author and editor wrote:

What Japanese Naval Commander Said:

"In fact on Saturday and Saturday night before the attack we aviators listening in to the Honolulu radio felt sure that there would be very much drinking among American seamen and soldiers...

"Among us Japanese naval officers we had had experience with drink.....but during the days before and after Pearl Harbour the Japanese did give up drink. We depended on the American Navy being caught wet."

Commander Mitsu Fuchida led the attack on Pearl Harbour on that Sunday morning. During the course of a personal conversation with Hector Maclean of Washington's Times-Herald, he said:

"I think the American sailors do as the Japanese sailors do on Saturday night—get drunk. The attack was planned to take advantage of that."

The correspondent to Times-Herald (Washington DC) in the issue of February 14, 1947 wrote:

"I know what happened to Pearl Harbour and the city of Honolulu on December 7, 1941, because I was there. I saw the soldiers and sailors and marines jamming hundreds of taverns and saloons in the city of Honolulu just six miles from the yard a few hours before the sneak attack. I know that responsible officers were drinking heavily the night preceding. I have talked to the men who removed the empty liquor bottles from the dwellings where men lived who should have been on guard. But that is history. How much alcohol contributed to unpreparedness, God only knows, but some day there will be a reckoning. It is for the American people to become realistic about the alcohol problem and prevent another tragic repetition of the disgrace of Pearl Harbour."@

@The Other Side of the Liquor Question, by Frank Facts, p. 58.

Gen. Floyd L. Parks

General Parks who led his victorious troops into Berlin and who soon after the Second World War was made Chief of Staff of the Army Ground Forces said :

"In my Army career of thirty-eight years I have not known a single incident in which an alcoholic beverage contributed in any way to the improvement of a soldier, an athlete or for that matter any individual."

John W. Kolb

John W. Kolb who won the National Service Rifle Championship and taught soldiers how to shoot attributed his success to avoidance of alcohol as he thought :

"Alcohol affects the eyes but mainly an individual's mental condition. A large percentage of man's shooting ability is dependent upon his mental condition. Servicemen's alertness, appearance and efficiency can be made by non-use of alcohol; and 90 per cent of the servicemen who get themselves in trouble did so because of alcohol."

What Eisenhower Thought

President Eisenhower was alive to the havoc wrought by the drink evil among the forces. He said that during the war his job and the job of the American fighting men had been complicated by the vast amount of military information divulged at parties. In his words : "The average Washington cocktail party is a tool of the Devil." Both in war and in peace, he said, the cocktail party was used by our enemies to elicit information from the indiscreet loud mouths, information they could not obtain in any other way.

Temperance Resolution at Army Rally

In a temperance rally in an Army camp this was one of the resolutions :

"As American servicemen we pledge anew our loyalty to the country we serve. This loyalty leads us to point out that not all our enemies are without. Our deadly foe lurks within our ranks. Its name is alcohol and its use constitutes a national sin and we pledge ourselves personally to abstain from all alcoholic drinks and do hereby go on record as endorsing unanimously the official Department of Defence directive regarding alcoholic beverages. We believe that only in the spirit of this directive can full military efficiency be achieved on the part of defence forces."

The directive regarding alcoholic beverages referred to above is as under :

"The established policy of the Department of Defence with respect to the control in accord with existing law of the use of alcoholic beverages by members of the Armed Forces is to

encourage abstinence, enforce moderation and punish over-indulgence. The policy shall be effected by the necessary restrictive controls and affirmative measures."

Brewers Digest Boast

11. In contrast, the brewing business boasted in the *Brewers Digest* shortly before Pearl Harbour as under :

"One of the finest things that could have happened to the brewing industry was the insistence by high ranking Army officers to make beer available at Army camps..... here's a chance for brewers to cultivate a taste for beer in millions of young men who will eventually constitute the largest beer-consuming section of our population."

Brewers' Journal

12. *Brewers' Journal* of March, 1947 reported the following declaration made on February 7, 1947 by one Kenneth Laird to the wholesale Beer Association of Ohio :

"Ten million GI's (soldiers) have learned to know and like beer much earlier than they would have as civilians. For five years there has been no need to 'sell'. Uncle Sam (U.S. Government) has been your manager and the best you have ever had."

Liquor Threatens Security

13. The role of alcohol as an instrument for seduction and espionage has been well-known. Liquor has supplied the key for unlocking state secrets. Tongues have been loosened and the brakes on inhibition have been relaxed and responsible officers have been babbling under liquor influence what they would have deeply regretted when sober.

General Marshall

Early in World War II some newspaper reporters put a question to General Marshall :

"Where is our national security threatened to the greater extent at the present time?"

The General replied:

"In the cocktail lounge of the Mayflower Hotel".@

The reference was to the Mayflower Hotel in Washington D.C. It is a large cocktail lounge which is frequented by many high officials and Army and Navy brass for cocktails and social amenities. The characteristic of such places is gossip and political activity. General Marshall knew well that alcohol loosens the tongues of even the highest government officials and the high brass in the Army and the Navy. Drink titillates their egos and they reveal secrets under its euphoric exhilaration which they would

@Lecture by Andrew Ivy on 'The Physiology, Psychology and Pharmacology of Alcohol' at the sixth session of the Institute of Scientific Studies, California. The above extracts are from an article by Francis A. Soper, Editor of 'Listen', appearing in (Alert Vol. X, No. 1, p.12).

not otherwise do. In unguarded moments of egoistical bravado they reveal secrets which when sober they would pledge to guard with their life. Moreover, the decisions made under alcoholic influences are prone to be foggy as drinking defeats clear thinking. Liquor has never improved the quality of thinking or quality of action—not even the quality of conversation.

The above is an eloquent testimony to the dangerous results of mixing alcohol with military actions.

“Dutch Courage” or “Pot Valour”

14. On the battle-front, courage in the face of fear of death or grave bodily injury is absolutely essential. Where it is wanting or needs to be fortified, it is artificially generated by rum or through other alcoholic agent. This is often called “Dutch Courage”—a colloquialism signifying a temporary courage inspired by intoxicating drink. It is also called “Pot Valour”. Rum rations apart from any other purpose are given to the troops in order to create a psychological effect of aggressive fearlessness. During the First World War, the French troops used to be given rum before they went up the parapet from out of their trenches to face the enemy barrage of bullets from across the enemy fire line. In such extraordinary conditions, spirituous beverages by removing inhibitions heighten the sense of fearlessness. A behavioural change is thus brought about, for the time being, and the dread induced by the instincts of fear or of self-preservation or by faint-hearted pusillanimity is abated.

Our Forces

Among the fighting forces in our country, there are many who are strict teetotallers by habit and tradition. Both Hindus and Muslims, the latter more particularly, are abstainers. We have it on the authority of distinguished Generals that in military action, non-drinking soldiers unaided by drink have performed great feats of personal valour under most awe-inspiring conditions. The inborn courage completely dispensed with “the Dutch Courage”. The teetotallers in the Army have endured hardships with unexcelled fortitude and braved many dangers and never stood in need of pep from the bottle.

15. We do not feel ourselves qualified to advise the Government whether our Defence Forces should be given rations of alcoholic drinks or not, and if so, how much and under what conditions. It is for the experts and the high army personnel to make an authoritative pronouncement. We, however, wish to bring out certain disagreeable features which were brought to our notice during our visits to some states.

Illicit Distillations Near Camps

16. The illicit distillers are known to thrive in the vicinity of army camps among whom they find their customers who like to supplement from illicit sources their liquor quota which in the peace-stations is less. If for any reason it is felt that the army personnel require alcoholic beverages they under no circumstances should be permitted to consume liquor supplied from contraband sources. Such drinks are known to have injurious ingredients and are prepared very often under revoltingly unhygienic conditions and their alcoholic contents are of no standard. At more than

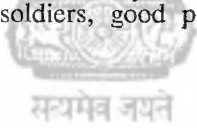
one place, we were told by persons for whose views we had respect that illicit distillation in the neighbourhood of military camps thrived because customers were mostly the military personnel.

Immoderate Drinking

Certain high placed persons also said that they had noticed immoderate drinking among officers. This was specially so in the military training institutions where on special nights and special functions the young men go on a drinking spree. The drunken carousals and boisterous binges may be proof of high spirits on festive occasions, but can it be said that they are now conducive to good discipline or the functioning of the mental faculties at their optimum. Alcohol is no respecter of persons and if its ordinary feature is to induce sedation by dulling the senses, creating lassitude, undermining health and discipline, men engaged in the defence of this country by resorting to such libations cannot be immune from the deleterious effects.

Alcohol and Soldiering

17. Whether it is a case of defence of the country against armed invasion or the development of industry, the modern machine-age exacts very high standards. All faculties—mental and physical—have to function unimpaired and at their superlative best. In this age of high speed, airmen have to take decisions. The workmen engaged in the manufacture of complicated machines have to concentrate on their respective jobs in order to secure a high degree of accuracy. Alcohol is the enemy of the machine age. Munition workers as well as fighters can discharge their respective duties effectively only if they are free from the influence of alcohol in its varied forms. Maintenance of health—physical and mental—at the optimum is the imperious necessity of those called upon to shoulder onerous obligations. Good soldiers, good pilots, and good sailors must have :

- 
- (a) good eye-sight,
 - (b) good hearing,
 - (c) keen sense of smell,
 - (d) accurate thinking and ability to make decisions quickly,
 - (e) prolonged endurance,
 - (f) steady nerves and sense of responsibility and honour,
 - (g) ability to fix attention over a long period of time and to many demands at one time.

The above faculties are definitely undermined by alcoholic beverages, as they dull the reflexes, deaden the nerve centres, lower resistance to disease and injure good health. A number of experiments have established that alcohol numbs the nerve centres making the users less efficient. A person who has an alcoholic drink cannot see as keenly or hear as well as he could before he took the alcohol. Such a person does not receive the messages from sensory nerves as quickly and is prone to pay less attention to such messages. The team work between the head and the hand is adversely affected by the faulty functioning of nerve centres. All these point to the unassailable fact that sobriety in a soldier is of inestimable value and cannot be allowed to be trifled with by alcohol. There is

unmistakable proof furnished by history showing that alcohol in military action hampers success. According to several surveys, alcohol is believed to be the soldiers' worst enemy and can well destroy his effectiveness. We, therefore, wish to invite the attention of the government to the impact of drinking on soldiering.

The Military Pensioners

18. One by-product of drinking among the armed personnel is that it is socially infectious. Drinking habits acquired during military service are not shaken off on retirement. The military pensioner occupies high social position in his village and people look up to him and so far as habits are concerned, try to emulate him. We were told at several places that areas where people were abstaining from liquor by habit and tradition are now falling a prey to it because the military pensioners were spreading the habit and setting the standards. This is particularly true of areas which furnish recruits to the army from communities which ordinarily are not given to drinking. Drinking habit is spreading in certain areas of Punjab (Haryana) and Jammu because of the setting of bad example by the military pensioners among communities who do not touch drinks. We feel that drinking among the Armed Forces must be discouraged, if it cannot be immediately banned. The false fortitude momentarily worked up by the ingestion of alcoholic drinks ceases soon and is no substitute for the more abiding nobler qualities of steadfastness, discipline and daring which the defenders of the country must possess.



CHAPTER X

THE DRINKING DRIVER AND MACHINIST

Drinking and Automobile Hazards

Before the automobile age, hazards of inebriety were confined to a very narrow circle: the inebriate himself, his family or his close associates. The hazard has been heightened, among others, by automatic propulsion. When a person in charge of a motor vehicle is in a drunken condition the potentialities of his vehicle as a lethal weapon enormously increase. Apart from the fact that he is endangering his own life and that of his passengers, he is a menace to other users of the road. No amount of care on the part of others or of compliance with traffic regulations can ensure pedestrians or drivers of other vehicles, howsoever themselves sober, from avoiding dangers at the hands of the inebriate driver. The inebriate pedestrian whose movements under alcoholic influence become unpredictable, is a source of danger though a little less than the man behind the steering wheel. In the case of a drunken pedestrian, his staggering gait, thick voice and a tell tale breath may present no difficulty in proving his inebriate condition. A driver in that condition is incapable of driving a motor vehicle.

Machine Age Problem

2. In the new machine age, avoidance of intoxicants is an imperative necessity. It is well known that in the industrial world of today, the workers in factories do not pursue their business in a leisurely manner. They work in the midst of speeding wheels, saws and belts and taking of an intoxicant liquor even by a single hand can wreck a modern factory. The injury potential is greatly increased. The machine age imposes the need for delicate adjustment, clear brains and steady nerves, which is possible only if drinking is totally avoided. That is why Henry Ford said: "Alcohol and gasoline will not mix". But it is not merely the automobile drivers, but many others the nature of whose employment is fraught with grave risks whether as aviators, machinists, railway engine drivers, who must in their own interest and also of others abstain from intoxicating beverages.

Accidents Due to Drinking Driving

3. In this age, disability and loss of life from accidents are greater than from any other cause. The young people particularly are involved in such accidents. More accidents take place on the highways than elsewhere. Several surveys show that drinking of alcoholic beverages is the greatest single cause of highway motor vehicle accidents, both fatal and disabling. The depressant action of alcohol on brain inhibits the judgment, thereby impairing sense of caution and co-ordination of brain and muscles. It has been estimated* that in the United States accidents kill a person every 18 minutes and the property damage amounts to \$175,000 every

*Alert magazine—Oct.-Dec., 1957, Vol. VIII, No. 4, p. 15.

single hour, 24 hours a day. In 1952 drunken drivers killed almost 10,000 persons and injured 34,000 more. According to the statistics prepared by an insurance company a drinking driver is involved in at least one of every three fatal accidents. According to some other report the figure may be as high as three out of every four. Regarding up-to-date position we have not got the data. If anything, it is a little more. Some 3,00,000 persons were killed or injured on the roads of Great Britain during 1958.** In the past five year prosecutions for driving under the influence of drink have risen from 3,257 to 5,166. How many more escaped detection is anybody's guess.

West Germany

4. In West Germany there are more accidents than in the United States of America, Great Britain or France. According to a survey*** over eleven month period there were in the Federal Republic 8,91,723 accidents which caused 12,835 deaths and 396,494 injuries. It was calculated that in the most populated zones there was an accident after every 106 seconds. Of those who were arrested for dangerous driving 85 per cent were in various degrees of intoxication. Since 1956 there has been 215.4 per cent increase in drinking driving.

Cancellation of Driving Privilege

5. It is reported that the government is considering a drastic measure which would provide that one pint of beer consumed by a driver involved in an accident would be a sufficient legal ground for cancellation of his driving licence. There is no doubt that threat of loss of licence will be a more deterrent measure than imposition of a fine or even a prison sentence. In 1962, more than 14,000 lives were lost and half a million were seriously injured and more than 50,000 out of a total of 60,000 drivers whose licences were revoked, were intoxicated when an accident occurred involving them†

Beer Firm Bans Beer Drinking to Their Drivers

6. An example has been cited of a San Diego beer firm which dismissed two of its truck drivers for drinking their firm's product, beer. In doing so, it declared that its 25 drivers should not drink beer and then drive an 8-ton truck. This ban was announced as a "safety measure" since the Company's accident rate had gone up through the past three years. The reason for such bans is that increasing use of machinery presents a hazard for men not fully alert. An association in Great Britain aiming at discouraging drinking driving canvasses that one should not drink while driving or should not drive while drinking, as driving and drinking do not mix well. The conclusion is irresistible that the drinking driver has no place in the driver's seat. He can either drink or drive.

Drinking Increases Accident Proneness

7. Drinking driver thus presents a very serious problem in these days of mechanically propelled vehicles. Even when he is not drunk, but has

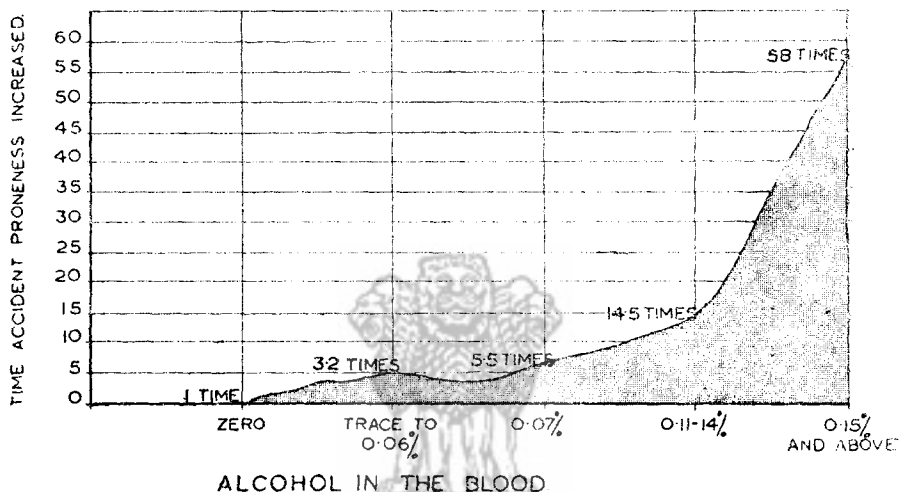
**Listen, July-August, 1960, p. 1.

***Listen, Nov.-Dec., 1962, p. 21.

†Listen, March-April, 1963, p. 8.

taken a light drink, he is potential danger to himself and to other road users. Drinking increases accident proneness to an alarming degree as is clear from the graph given below. If there is trace upto 0.06% alcohol in blood, the accident proneness goes up by 3.2 times, from 0.07 to 0.10% upto 5.5 times from 0.11 to 0.14% upto 14.5 times and where alcohol in blood reaches 0.15% mark or above, the accident proneness increases by more than 55 times. 0.15% is the concentration at which most people are clinically drunk.

RELATION OF BLOOD ALCOHOL TO ACCIDENT PRONENESS.



Blood Alcohol Percentage in Other Countries

8. Scandinavian countries have a law establishing limits between 0.05% and 0.1% of blood alcohol as indicative of being under the influence of alcohol.

In the United States, however, the limit has been raised to 0.15%. The result of this high limit of exemption are, however, not encouraging and the question whether the limit should be brought down in order to make roads safe is under consideration.

Scientific research in Scandinavia in Great Britain and in some other countries of Europe, points out that impairment begins between 0.03% and 0.05%. Even at this low rate of alcohol in blood, the liability to accidents is seven times greater as compared to the person who has taken no alcohol. There is a movement in most countries to lower the permissible limit.

In Czechoslovakia, it is illegal to drive with any alcohol in the blood, and this law has been in force since January 1, 1961. The achievements of this law have been spectacular as from 66% of accidents in which the drivers had some blood alcohol, in 1959, the figure dropped in 1961 to 31% of such accidents.

In Austria, the legal limit has been established at 0.08% alcohol.

For our country the limit which should be imposed by law is 0.05%. Below this no one is to be accountable and a person in whose system there is 0.05% and above is to be deemed under the influence of liquor.

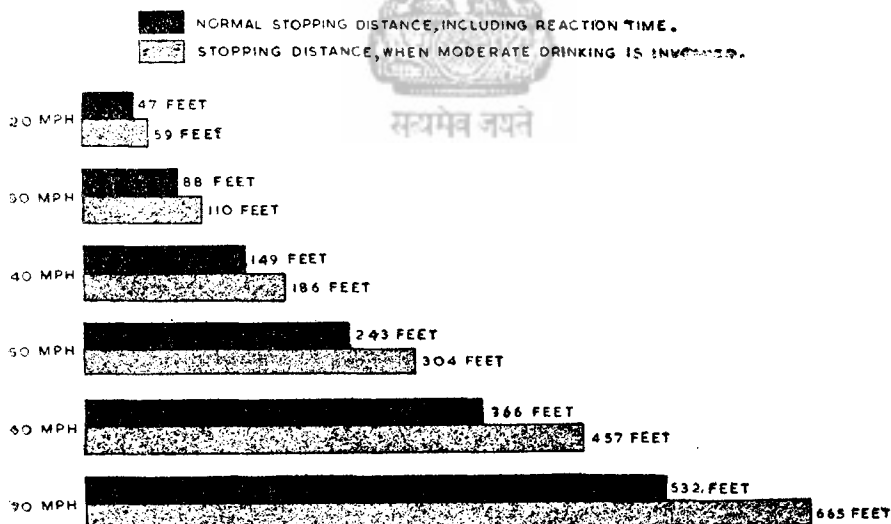
Reaction Time

9. In controlling a motor vehicle even with excellent brakes human element is involved. The total stopping distance depends upon the perception or awareness of traffic situation and a decision how to handle it. Then there is reaction which is the time between making up of mind to apply the brake and getting his foot on it. This application is the third mental reaction which is the execution of the decision to apply the brakes.

Stopping Distances Increase

10. The following chart* shows the stopping distance for ordinary cars when travelling at 20 to 70 miles per hour. At 20 miles per hour it takes 47 ft. to stop a car—a little more than 3 car lengths. The stopping distance at 70 mph. is 532 ft. or more than 33 car lengths. This shows that while the speed is increased only $3\frac{1}{2}$ times yet the stopping distance is 11 times greater. This chart also shows that there is deterioration in the case of a consumer of a moderate amount of alcohol. The shaded bars on the chart show that the approximate stopping distance required in the case of a driver who has consumed a moderate quantity of alcohol is greater at all speeds as compared to that needed by a driver under normal conditions and with average reaction time.

AVERAGE STOPPING DISTANCES FOR PASSENGER CARS
ON DRY ROADS



*The chart has been taken from 'Listen', July-August, 1960, Volume XIII, No. 4. This chart was first published by All State Insurance Co. in 'Aim' magazine. The original graph of average stopping distance is according to the National Safety Council.

11. If this is the condition of dry roads with a dry driver, it is hard to imagine what will happen on a wet road with a wet driver. Unless the laws absolutely insist on sobriety and clamp down on every driver who is under influence of alcohol howsoever small, the roads will become death traps. Some consider that even less than 0.05 percentage of alcohol in blood affects the judgment and therefore it should be totally banned for drivers. Dr. Claridge of the Institute of Psychiatry, University of London, has observed, "In the face of wide variability in human drug tolerance, it may prove difficult in practice to produce a simple workable scheme which provides control over the consumption of alcohol by motorists without being unjust to some and dangerously overgenerous to others." According to him the intake of alcohol increases the confidence but decreases the skill. The only safe blood alcohol level in a driver is 0.00%. He believes that the only workable solution to the problem of alcohol and accidents on the road, is to prohibit entirely the use of alcohol to the drivers.

Liquor Shops Along the Highways

12. In the wet areas the danger at the hands of drinking driver can be reduced by having a sufficiently wide belt, say from 5 to 10 miles on each side of the highway. This difficulty will not be easily overcome where the highway passes through, or close by a town with liquor shops. A close vigilance at the bus stand over the drivers along with the fear of a minimum jail sentence in case of drivers found under the influence of liquor and even possession of liquor while in charge of such a vehicle should be sufficient. It is to be regretted that state governments are permitting an unusually large number of liquor shops along frequented roads. On a zig-zagging hill road between Simla and Kalka in the territory of Himachal Pradesh and Punjab covering a distance of little over 50 miles there are nearly a score of liquor shops. These examples can be multiplied. There are quite a number of liquor shops on some of the pilgrim routes in the districts of Dehra Dun, Saharanpur, Tehri, Uttar Kashi, Pauri and Chamoli. It is believed that a number of accidents which have taken place on the hill roads are attributable to drinking drivers who can obtain liquor from several country shops along the road.

Drinking Pilots

13. If alcohol is a terror in the driver's seat it is a much greater menace in the cock-pit. On January 3, 1961, first flying catastrophe in Finland killed all 25 aboard the plane near the town of Vassa. The plane belonged to Finair. Investigation showed that the cause of this accident was the previous night's drinking by the two pilots. Public indignation at this tragedy caused legislation to be passed in Finland making abstinence compulsory for pilots. There is very little personal flying in India, but fairly considerable military and commercial flying. The Federal Aviation Agency of America, which is responsible for safety in air found that in the year 1961 alone drinking contributed to 54 aeroplane accidents. Topsy pilots and their crew endanger the lives of their passengers and themselves besides wrecking expensive planes. Mental acuity is imperative whether the pilot is flying a jet plane, a helicopter or any other machine. The authorities should not be lulled into a false sense of security by merely tightening regulations. They have to be vigilant about rigid enforcement of the rules regarding abstention from alcohol. A compulsory alcometer test, as mentioned elsewhere will secure safety without involving any waste of time.

Elimination of Drinking Driving

14. The drinking driving is a growing menace and unless something is done immediately and effectively to eliminate the drinking driver from the

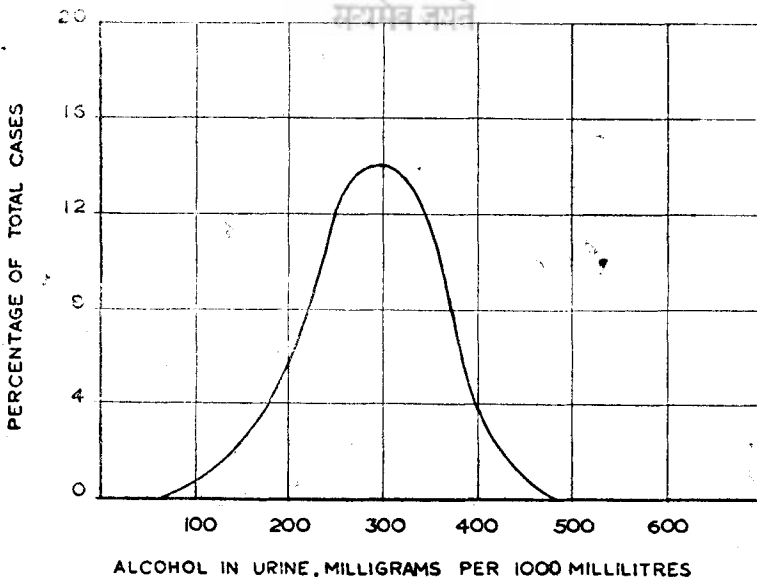
road and to plug the loop holes through which they escape, accidents are bound to rise. The safety of our roadways and airways depends upon the removal of driving privilege when alcohol is detected in the system. In Norway and other countries drivers are checked on the spot for blood alcohol and automatic prison sentence is provided where the blood alcohol level exceeds .05% even if there has been no accident. There will be no drinking driving if a long prison term coupled with loss of driving privileges for one year and above was to be awarded. From the point of view of other road users a drunken person in charge of a bullock-cart or a horse carriage is no hazard. But the same person behind the steering wheel of a motor vehicle cruising at high speed is a maniacal terror let loose on the innocent and the unwary. It is true that accidents are not entirely caused by drinking drivers; very often they are caused through excessive speed, fatigue, poor visibility, bad road conditions etc. The sober driver however can avoid such accidents. A man driving under the influence of alcohol greatly contributes to maiming and even killing. As already mentioned alcohol is a great contributory factor in highway accidents.

15. Most countries are increasingly alive to the danger of driving under the influence of drink and intensive educational campaigns are being carried on by press, radio and television to eliminate drinking while driving. People are being asked to ostracise those who contravene this injunction.

Alcohol in Urine

16. The chart given below further illustrates that the percentage of accidents on account of ingestion of alcoholic beverages reaches the maximum after there is 300 mg. of alcohol in urine. This is a stage when under alcoholic influence, the person in charge of a motor vehicle feels the confidence though his real capacity is impaired. With increased consumption, liquor over-powers him till he reaches a stage of utter incapacity.

PERCENTAGE ACCIDENTS IN RELATION TO ALCOHOL IN URINE



CHAPTER XI

ALCOHOL AND MEDICAL SCIENCE

Popular Fallacies

There is a widespread misconception regarding the effect of alcohol on the human system which is persisting. There is a belief that alcohol is a stimulant, it rouses a person to activity, quickens action and is an excitant or that it spurs on a person under its influence. Medical opinion in America and in Western countries has proved that the belief in the curative effects of intoxicating drinks is false. The medical profession has made a valuable contribution in this respect, and we wish to focus attention on this matter about which people are generally ignorant. In the succeeding paragraphs we have attempted to bring together the opinion of eminent medical authorities on the effect of alcohol on the human system in the belief that the diffusion of factual knowledge would give a clear picture and disabuse people of their false beliefs.

We have made an earnest attempt to find out whether these conclusions were doubted or refuted by equally responsible medical authorities and have also had discussions with some eminent physicians of our country. We have not come across any authentic work on medical science published in this country or outside which contradicts the views set out in this chapter.

Alcohol is Sedative, Narcotic and Analgesic

2. From the point of view of pharmacology, alcohol has the qualities of a sedative, narcotic, hypnotic and analgesic and even an anaesthetic. These are the characteristic effects common to depressants. A drug is sedative when its predominant action is quieting, inducing calmness, and relieving nervous tension. A hypnotic drug promotes sleep without inducing intoxication. Thus, the sedative hypnotic action belongs to bromides and the barbiturates. A drug is narcotic when it induces an analgesia *i.e.* relief of pain accompanied by deep sleep or stupor. A narcotic also relieves tension. To this group belongs morphine. An analgesic relieves pain without sleep. To this group belongs aspirin. An anaesthetic induces a progressive descending depression of the central nervous system. To this group belong ethyl chloroform and alcohol. Alcohol fulfils all the above requirements depending upon the quantity consumed. Thus, alcohol taken in small amounts is a sedative; it is also hypnotic in the sense that it has sleep promoting quality. Taken in somewhat larger amount, it has a narcotic effect; it relieves pain and causes deep sleep. It has also an analgesic effect. Its action for the above purpose is over-lapping. A small amount of alcohol creates a mild depression of the cortex of the cerebrum, the highest part of the brain which is concerned with judgments, inhibitions and tensions. In large doses, the muscular co-ordination is disturbed.

3. The erroneous belief in the curative effects of alcohol has been exploded long time ago. In 1883, an international Physiological Congress

was held in Europe and Professor Otto Schmeideberg of Strasbourg, Professor of Pharmacology, contributed a paper* on alcohol which revolutionized scientific thought. He said :

“Alcohol, like chloroform and ether, is a depressant, a narcotic, a protoplasmic poison that reduces the efficiency of every tissue of the body that it comes in contact with.”

He declared that alcohol is under all conditions and in all strengths and upon all tissues a depressant, narcotic drug. Alcohol gives an erroneous impression of activity as it is little realised that every time people use alcohol, they break down the most precious of the social restraints which men have learnt in order to live in decent social relations among themselves. The early doctors scorned the views of Schmeideberg and said that they used it as a stimulant. But there is no substance in this claim.

Alcohol has no Curative Effects

4. Alcohol is widely used by physicians of repute as an antiseptic and astringent for external purposes. Its usefulness is recognised in the preparation and preservation of pharmaceutical products. Its claim however as a curative by internal use has been held to be false by eminent representatives of the medical profession. Dr. Janos Metnetki of Hungary declares that no doctor should ever prescribe alcohol as a medicine in view of the dangers involved. The medical profession can spearhead the fight against evils of drinks and in particular alcoholism, but they have first to disabuse their minds against the seeming beneficial effects of liquor.

‘Alcohol and Man’ published in 1932, contains contributions by physicians of Harvard, Yale and Columbia Universities and the Rockefeller Institute for Medical Research. The book was a scientific work and was not interested in propaganda of any kind. This is what it said:

“The immediate effects of the systemic absorption of alcohol resemble those of any of the anaesthetic agents used in a surgery. There is first the so-called “excitation stage” due to the removal of the inhibitory influences of the higher centres of the brain. This is followed by the stage of in-coordination in which the mental and muscular balance is upset and cerebral confusion and physical ataxia result. The subject gradually becomes oblivious to his surroundings and insensitive to ordinary stimuli and lapses into a state of stupor from which he will react only to strong stimuli, finally he passes into a state of true anaesthesia in which consciousness is entirely lost and the patient lies in a state of absolute coma from which it is impossible to arouse him. Thus, the different degrees of drunkenness, as acute alcoholic intoxication is commonly called, parallel those which develop under ether or chloroform. . . .

Therapeutic Part Negligible

“As a solvent of various medicaments alcohol performs a useful perhaps indispensable function and the pharmacist requires it to compound many of our widely used therapeutic preparations.

*‘Effects of Alcohol on Man’ by Haven Emerson, Sixth Session of the Institute of Scientific Studies, Loma India—California, p. 42.

The therapeutic part played by alcohol in these preparations is very limited".*

To the same effect are the words of Dr. Arthur Dean Bevan, Professor, Rush Medical College and former President of the American Medical Association :

Dr. Arthur Dean Bevan

"Viewed from the standpoint of modern scientific medicine alcohol belongs to the group of narcotics which consist of alcohol, ether, chloroform, chloral and similar drugs such as sulphonal and veronal. The general actions of all the members of this narcotic group are very much the same. They produce a first stage of imperfect consciousness and confused ideas followed later by a stage of excitement, and if the dose is large, complete unconsciousness which may, if the dose is sufficiently large, terminate in death.

Stimulant or Paralyzing Agent

"There has been some dispute as to whether the drugs are stimulants or are paralyzing agents. Scientific men who have studied this problem for the most part regard them as not being stimulants at all or if they have a stimulating action the stimulating action is very temporary as the main action is that of depressing agents.....**

"Alcohol has little place in modern scientific medicine as a therapeutic agent. At the Presbyterian Hospital in Chicago where we take care of more than twelve thousand patients a year we have not yet prescribed through the drug room of the hospital a single bottle of alcoholic liquor since the passage of the prohibition amendment and this is not due to any regulation against the use of alcohol. Any one of the attending medical men has the privilege of using alcohol if he sees fit in the handling of his cases. It is due to the fact that there is little or no logical or scientific reason for the internal administration of alcohol in the modern treatment of disease. On the other hand the external use of alcohol has increased very markedly.....

No Place in Medicine

"Alcohol is no longer used by scientific physicians in acute inflammatory diseases such as pneumonia and grippe. It is not only not beneficial but definitely harmful in such conditions. It is no longer used in septic conditions. Its only use outside of its external use in modern scientific medicine is found in cases of individuals who are chronic users of alcohol and who are brought to the hospital suffering from some accident or some disease in which a moderate amount of alcohol is continued for a time in order to prevent the development of delirium tremens.....

*Quoted in "The Amazing Story of Repeal" by Dobyns, p. 28f.

**Ibid p. 285.

... I have never had any fixed opposition to the use of whisky in medical practice but I have never seen it properly employed except in just such cases that I have cited. My very considerable experience in the practice of medicine cannot have been so very different from that of other men in the medical profession".*

Dr. Haven Emerson

Dr. Haven Emerson, formerly a Professor of Preventive Medicine in Cornell University and later Professor of Public Health Practice in Columbia University, says :

Astringent and Antiseptic

"Passing over the uses of alcohol as an external dressing solvent, astringent, antiseptic, etc., which are generally and intelligently made use of, it is important to consider the reasons which still influence the laity and some members of the medical profession to use alcohol for medicinal purposes by internal administration without a scientific reason in fact.

"Alcohol is used unreasonably as a medicine on the ancient and quite erroneous assumption that its use can be relied upon to stimulate the heart, to improve respiration, and to add to the vigor and vitality of the body in general.

"Alcohol like many other familiar and powerful drugs has genuine use as a medicine, but none that cannot ordinarily be better served by other substances. It is in no sense an indispensable drug or unique in its properties so that it is essential to good medical care of the sick. Its widespread use by the laity and by physicians, in former times more than in the twentieth century, was due more to its almost universal availability and the familiarity of the laity with its strength and effect in beverage form than to particular or especially desirable drug properties.

Alcohol and Worry

"Alcohol is not a specific or cure for any disease, unless one considers "worry" to be a disease, and a drugged indifference a cure. . . . Alcohol is prescribed as a narcotic by some physicians in the belief that it is a boon of value to the aged who suffer from the annoyance and lack of entertainment of their years. Such a make-shift management of age by dulling the wits is not generally endorsed by physicians or the laity.

"Alcohol is to be avoided in snake-bite. The use of alcohol in childbed fever, blood-poisoning, sepsis and in the infective fevers of childhood has been almost entirely abandoned as of no value.

"A well reasoned statement from a leading American medical authority is to the effect that 'much of the use for alcohol and alcoholic beverages of the past no longer exists, for better therapeutic measures have replaced them'. It seems a fact that in both private and hospital practice the

* "The Amazing Story of Repeal" by Dobyns, pp. 285-286.

utilisation of alcohol and alcoholic beverages by the better trained physician has decreased greatly and is continuing to decrease.”*

Dr. Howard Kelly

Dr. Howard Kelly of Johns Hopkins University observed :

“There is no single disease in the world of which alcohol is the cure. This fact well known to science, is now generally admitted by progressive members of the medical profession, but is rarely made clear to the layman. The purpose of medicine is to cure disease. Since alcohol cures no disease it is not a medicine. It has no place in medical practice.”**

Dr. T. D. Crothers

Dr. T. D. Crothers, Superintendent of the Walnut Lodge Hospital for Inebriates at Hartford, Connecticut contributed an Article in the Journal of the American Institute of Criminal Law and Criminology in which he said :

“Within the last ten years a revolution of theories and opinion concerning alcohol has taken place. Scientific researches in the laboratory and clinical experience confirmed by exact measurements with instruments of precision have proven that the effects of alcohol on the body are anaesthetic and paralyzing.”†

Not a Tonic

“The so-called tonic and stimulant properties which have been claimed for centuries, and incorporated in text books and literature as facts beyond question, are contradicted by modern research.

Alcohol—a Cause of Paralysis

“Theories that alcohol in any form gives new power and force to the brain activities, bringing out latent qualities and new energies and in some way giving the person greater efficiency and power, must be put aside. The display of excitement, activity and mental force by persons under the influence of spirits is really the first stage of a paralysis. Thus the five senses, and the ability to reason, the rapidity of thought, the capacity to memorise, the muscular output, are all depressed, lowered and actually numbed by the use of alcohol in any form.

“These are facts that are verifiable by measurements and can be expressed by figures, showing the loss with absolute certainty. While some alcohols are more powerful than others (by alcohols I mean any drink containing alcohol), and some have a special action on the brain, on the heart, the muscular system and the senses, they are all evidence of one great pathological effect of paralysis”.‡

**Ibid* pp. 286-287.

***Ibid*, pp. 287-288.

†*Ibid*, p. 288.

‡*Ibid*, pp. 288-289.

Dr. Charles H. Mayo

Dr. Charles H. Mayo said:

"Medicine has reached a period when alcohol is rarely employed as a drug, being displaced by other remedies. Alcohol's only place now is in the arts and sciences."*

Bounding Pulse

5. According to Professor Kronecker of Berne, Switzerland, a two per cent solution of alcohol (Bavarian beer) will paralyse a frog's heart. The paralysing effect of strong liquors is proportionately greater. The full, bounding pulse, usually produced by the administration of an ounce or two of brandy gives the impression of an increased vigour of heart action; but it is only necessary to determine the blood pressure by means of a Riva-Rocci instrument or Chertner's tonometer, to discover that the blood pressure is not raised and may be lowered. The tonometer measures, not the average blood pressure, but the actual force of the heart. It can readily be seen that the bounding pulse is not the result of increased vigour, but indicates rather a weakened state of the heart, combined with a dilated condition of the small vessels.

Alcohol—Cause of Insanity

6. It is generally well-known that a heavy drinker becomes a witless sot incapable of discharging his obligations to himself, his family or society. It is not so well-known that drinking leads to real insanity and that the addict sometimes ends his days in a lunatic asylum. The Report of the Commissioners in Lunacy issued in 1914 in England stated that "alcohol heads the list of toxic causes of insanity". Dr. Thomas Parren, former Surgeon-General, Public Health Services, has expressed the view that alcohol is a major cause of insanity.

Alcohol Not a Medicine

Certain spirituous drinks, particularly brandy, had received a recognition not only in the home but also in the hospitals as a useful medicine to be taken against colds, exhaustion, anaemia, etc. Dr. E. Landon says:

"Under the head of 'stimulants', 'night cap', or 'pick-me-up', a large quantity of wines or spirits is consumed, owing to the mistaken idea that such medication is of benefit to the patient. The old custom in most hospitals was to give brandy or other alcoholic drinks after operations or severe illnesses, as a routine practice; we now know that it was a great mistake, and only retarded that patient's recovery, possibly even hastened his death. Alcohol as a routine medicine is now abandoned even in hospitals where a little is occasionally used for special reasons: newer and better drugs have been discovered to the great benefit of the patients."**

**Ibid*, p. 289.

**Quoted by E. Landon. Physician to Z. B. and M. M. Hospital, Nasik, in his book "Alcohol, a Menace to India", p. 9.

Energy

Professor Sir E. A. Scafer, M. D. says :

"It cannot in fact be doubted that any small production of energy resulting from the oxidation of alcohol, is more than counter-balanced by its deleterious influence as a drug upon the tissue elements, and specially upon those of the nervous system."*

White Blood Cells

Professor Metchnikoff has been quoted by Sir Victor Horsley and Dr. Sturge in their book "Alcohol and the Human Body", as under:—

"Besides its deleterious influence on the nervous system and other important parts of the body, alcohol has a harmful action on the white blood cells, the agents of natural defence against infective microbes."

Alcohol Lowers Resistance and Hinders Immunity

7. Alcohol lessens vital resistance. The old belief that alcohol is useful in the treatment of typhoid fever, pneumonia, scarlet fever, and other infectious diseases, also as a supporting measure in tuberculosis and other wasting diseases, has been set at naught. Alcohol is not a panacea for consumption which was the belief some time ago, but it produces consumption. It destroys the power of the body to fortify itself against the attack of germs and germ poisons. The conditions produced by the frequent administration of alcohol to fever patients are precisely the same as those produced by the "nipping of an inebriate tippler".

Alcohol Lessens Nerve Sensibility and Muscle Power

8. Nervous impressions travel over nerves in a healthy person at the rate of ninety-one feet per second, but under the influence of alcohol, the rate of transmission may be as low as thirteen feet per second. Therefore, under the influence of alcohol, seven times as long may be required to hear, feel, taste or to receive an impression of any sort, as by a normal person. Even one ounce of alcohol for a man weighing one hundred and fifty pounds shrivels the nerve cells and impairs every mental function. Under the influence of alcohol the fires of the body burn low, the amount of oxygen consumed is less, and the tissue activities are slow. The effects are still more pronounced when large doses of alcohol are administered. The lifting power of the muscles is also reduced by twenty-five per cent by a dose of whisky. The maximum effect is noted at the end of one or two hours.

9. Emil Kraepelin, about 1883, declared that the effects of alcohol on human body so far as behaviour is concerned, depends upon the hold that alcohol has taken of his brain. He said :

"Whatever was done, whether a drinker saw two lamp-posts instead of one, whether he fumbled and could not button his buttons, whether he stumbled in his speech or in his locomotions, whatever he did it was not the muscles that were diseased, but it was the failure of the boss up at the top to make the

**Ibid*, p. 8.

machinery work, because there was a depression of the control by the brain of the various actions of the muscles and muscle system of body.”*

Dr. Haven Emerson said :

“Alcohol, as it is administered and as it is voluntarily taken, appears to have its major effect by depressing the central nervous system which includes the power of choice, will power, judgment, self-determination, discretion and all the qualities of conduct. It also dulls the capacity of the central nervous system to break the body through its automatic reflexes.”**

Alcohol in Shock and Collapse

10. Laboratory research has shown that alcohol when introduced into the circulation does not raise blood pressure and of itself produces the very conditions which are the fundamental causes of shock and collapse. The apparent beneficial results following the administration of alcohol to persons in a state of shock or collapse from haemorrhage or accident are caused by the irritation produced by alcohol when it first comes into contact with the mouth and stomach. This temporary effect of alcohol disappears when it is absorbed and thereafter the vessels dilate, the heart's energy is weakened, and the pernicious effects of the drug become manifest. Any apparent stimulation caused by alcohol is due to the chemical irritation produced by its first contact with the tissues, an effect similar to that caused by strong acids, a hot iron, or any other gross irritant.

Alcohol Hinders Digestion

11. It is said that alcoholic beverages stimulate flow of gastric juice and improve appetite and digestion. This is a popular misconception and this theory has been exploded long ago by medical science, though it is true that some doctors still hold this belief. Alcohol rather causes starvation by replacing food. It directly causes sluggishness of body, inertia of mind and indifference to diet. Professor Emerson describes alcohol as—

“the meanest deception, the poorest social cheat, that has ever been devised. It gives a quick result and the maximum harm for the amount taken.”†

Alcohol excites the stomach and causes an increased flow of gastric juice which is absolutely found to be worthless as a digestive agent since it contains no pepsin, which is one of the two essentials required for digestion. Alcohol actually hinders the development of pepsin. Large doses of alcohol cause the mucous glands to pour into the stomach a large amount of alkaline fluid which completely upsets stomach digestion.

Alcohol and Chronic Gastritis

12. Chronic gastritis is a disease which afflicts those who drink spirits. Contact of strong alcohol on the stomach produces an inflammatory condition and which on account of repeated action never subsides, resulting

*Ibid, p. 3.

**Ibid, p. 5.

†“Effects of Alcohol on Man”, lecture by Haven Emerson, M.D., D.Sc., Sixth Session of the Institute of Scientific Studies, p. 8.

in permanent damage to the digestive system: Alcohol is a circulatory poison, damaging the liver, heart and kidneys and tending to produce chronic gastritis as an effect of its high concentration in the stomach after ingestion.

Calorific Value

13. It is claimed that alcohol has considerable calorific value, Calorie is the amount of heat needed to raise a gram of water through 1° centigrade in temperature. Thus, calorie is the heat unit developed in the body by the combustion of food. The carbohydrates, proteins and fats in the body produce heat—some more, some less. Alcohol can produce one-fifth of the total calories required in a day, i.e. roughly 500. The peculiarity of alcohol is that whenever it is taken into the body, it is eliminated within a few hours from the body through breath, urine and sweat. This is through oxidation. It is thus a temporary source of energy in the body. It is distinct from other food substances which remain stored in the body for later use in body-building tissues or in repairing tissues after an operation, injury or illness.

Nutritional Deficiency

14. Vitamin B₁ in sufficient quantities is needed by the human system for producing heat and energy. The high percentage alcoholic beverages have no Vitamin B₁. Among habitual drinkers, vitamin-calorie ratio is so small that nutritional deficiency diseases frequently occur. A regular drinker is bound to lose appetite for food and intemperance deprives him of a well-balanced diet. The testimony of science is that though technically alcohol acts as a fuel, it does not provide energy and its food value is hardly any. It cannot be stored in the body like sugar and it cannot replace waste proteins or salts. Malt alcohol, such as beer, has some food value but that is beset with so many disadvantages that such food value as might be attributed to it is highly questionable.

As Tranquilliser and Anxiety Reliever

15. There are diseases with which humanity is afflicted, which are intensified by worry and tension. Freedom from anxiety does help recovery. To that extent, a patient suffering from a disease which can be accentuated by worry or where recovery is delayed because of continued state of mental agony, alcohol may make such a patient feel better because of its qualities as a sedative. While he is under alcoholic influence, the patient is likely to worry less, but medical science claims to have better tranquillisers and sedatives.

Narcotic Action

The action of alcohol which pharmacologists think to be of some value in therapeutics is its narcotic action which by allaying the anxiety and distress of the patient may aid towards healing or at least render illness more tolerable. Grollman says :

“The indications for the internal use of alcohol are ill-defined and cases which one physician would treat with alcohol often seem to progress as favourably without it in the hands of another.”*

* “Pharmacology and Therapeutics” by Grollman, p. 82.

Its extensive use is for preparation of elixirs, tinctures and fluid extracts of medicinal agents. Grollman thinks that—

“there is no good objective evidence that it improves the circulation through the heart. The same may be said of the use of alcohol in peripheral vascular disorders generally”.

Cirrhosis of Liver

16. It has been found that whenever per capita consumption of alcohol in a population goes up, the death rate from cirrhosis of the liver goes up. Among drinkers there are eight times more deaths due to cirrhosis of the liver than among non-drinkers. Professor Emerson says:

“We find that alcohol used excessively and persistently may be principal cause of cirrhosis, a thickening knobbing of the liver, but the same thing occurs in some people who have not used alcohol at all. This often is due to other disturbances of digestion and interference with the vitamin content of the body structure. We must not conclude that everyone who has cirrhosis of the liver has been a chronic drinker, but alcoholic cirrhosis of the liver increases in countries and in places where the gross amount of alcohol also increases. . . . whenever there is a drop in the use of alcohol, there is also a drop in the death rate from cirrhosis of the liver.”*

Alcohol and Cancer

17. Dr. Ernest L. Wynder believes that heavy drinking in combination with heavy smoking greatly increases the risk of developing cancer of the throat. According to his surveys, men who smoked more than 16 cigarettes and drank more than 6 oz. of whisky a day were found to be seven times as likely to develop cancer of the throat as non-drinkers who smoked approximately as much.†

Effect on the Heart

18. Sir Victor Horsley and Dr. Sturge, in their book “Alcohol and the Human Body” dealing with alcohol's effect on the heart, observed:

“Popularly, alcohol is supposed to strengthen the pumping force of the heart; in fact, great faith was placed in it on this account, until more recently, when the matter has undergone scientific revision and criticism. The question whether or not alcohol strengthens the force of the heart's beat is one of great practical importance, and with the improved methods of research at the disposal of scientific men, observations have been made with a view to ascertaining its real effect upon that organ. These investigations are too long and complete to describe here in detail, but we may state that experiments have shown that blood containing only one-quarter per cent of alcohol diminished within a single minute the work done by the heart; and that blood containing one-half per

* ‘Effects of Alcohol on Man’, Lecture by Haven Emerson, M.D., D.Sc., Professor Emeritus of Public Health, Columbia University, quoted in “Sixth Session of the Institute of Scientific Studies, California”, p. 7.

†Listen, March-April, 1963, Vol. 16, No. 2, p. 34.

cent so seriously affected its working power that it was scarcely able to drive a sufficient amount of blood to supply its own nutrient arteries. This enfeebled condition rapidly leads on to dilation of the heart, whereby the heart pumps around less blood".

Alcohol as Vasodilator

19. Dr. Frank Billings, Dean of Rush Medical School expressed the view that the use of alcohol in medicine "is permissible only in the preparations and preservations of pharmaceutical products."* Clinically alcohol has some use as a *vasodilator* in the dilation of the interior of the tubular structure (lumen) of the blood-vessels. In Buergher's disease (thromboangiitis obliterans)—obliteration of the larger arteries and veins of a limb by thrombi with subsequent gangrene—alcohol acts as an effective analgesic agent but the inebriating and habituating effects of alcohol are considered to be serious deterrents to its use in this malady.

In coronary Artery Disease

20. Some pharmacologists have advised administration of alcohol in coronary artery disease to lessen the frequency and severity of anginal attacks as it is an effective coronary vasodilator.† In certain cases alcoholic beverages are advised when they are the only food which can be tolerated by febrile and restless patients. Its main effect is that alcohol makes the patient drowsy or sleepy so that he stays in bed whereas otherwise he would be ambulatory.‡

Contra-indicated

21. Alcohol is definitely contra-indicated in renal and hepatic disease, in gastric and duodenal ulcer, in ulcerative colitis, and in epilepsy.§

Effect on arteries

22. Wines or spirits cause a flushing of the skin due to the dilation of the small vessels. If the dose is frequently repeated, this leads to chronic congestion of organs of the human body. The arteries of persons who have long been addicted to alcoholic drinks show changes in their walls similar to those produced naturally in old age; the walls lose their elasticity, and become brittle and rigid; and this is frequently a cause of apoplexy.¶

In Peripheral Arterial Embolism

23. In peripheral arterial embolism alcohol considerably relieves pain which usually is severe. Embolism is the presence in the blood stream of a detached part of a thrombus or other foreign body which travels with

*Listen, March-April, 1963, Vol. 16, No. 2, p. 289.

†The Dispensatory of the United States of America, 1960 Edition (Osol Farrar—Pratt), pp. 36-37.

‡"In angina pectoris alcoholic beverages have a long-established reputation." Stearns *et al.* (New Eng. J. Med., 1946, 234, 578)."

‡The Pharmacological basis of Therapeutics by Louis Goodman and Alfred.

§Pharmacology and Therapeutics by Gillman.

¶Dr. E. Landon—"Alcohol, a menace to India", p. 16.

the stream in which it reaches a Vessel too small to allow it to pass with the result that the circulation becomes obstructed. Embolus is a clot or other foreign body which travels in the blood stream. The claim of alcohol as a relieving agent in an acute attack of angina pectoris has not found support.

In Narcosynthesis

24. Alcohol has been used intravenously in combination with a barbiturate to increase communicativeness and speech productivity in narcosynthesis.

Cerebral Palsy

25. Though alcohol relaxes the cerebral palsy patient of the athetetic type, the use of alcohol on a chronic basis has not been recommended by the pharmacologists.* Alcohol has also been used as a pain reliever in dysmenorrhoea—painful menstruation—but its use has led to alcoholic addiction in some women. Pharmacologists prefer its use in serious situations for its analgesic effect when given intravenously.

According to Grollman:

“It is generally agreed that alcohol is a luxury which is entirely unnecessary for the growth and maintenance of the body and that it neither promotes greater healthfulness nor in any way retards the onset of disease.”†

Alcohol Not a Remedy for Cold

26. It is a widespread but erroneous view that a glass of spirit is a common remedy for a cold in the head. Alcohol does not add to the warmth of the body, but takes away some of the natural warmth, by dilating the blood vessels of the skin, and allowing more rapid irradiation of heat from the surface of the body. In cold weather, this becomes a real risk to life. Practical experience has taught this to the explorers. Dr. Nansen, the Arctic explorer, says:

“It is often supposed, that, even although spirits are not intended for daily use, they ought to be taken on an expedition for medical purposes. I would readily acknowledge this if any one would show me a single case in which such a remedy is necessary; but till this is done I shall maintain this the best course is to banish alcoholic drinks from the list of necessities for an arctic expedition.”‡

Moderate Drinking also Harmful

27. Dr. Ivy's views on moderate drinking are of some interest and they are given below. He says:

“...all the evil consequences of the consumption of alcoholic beverages can be traced to the moderate drinker or the

*Pharmacology by Beckman, pp. 273—277.

†“Pharmacology and Therapeutics” by Grollman.

‡“Alcohol and Human Body” by Horsley and Sturge, Chapter VII.

occasional drinker, or the social drinker. As I put it in my last lecture, the 70,00,000 heavy drinkers and alcoholics are not the cause of the trouble. Neither are 35,000,000 abstainers. But the more than 58,000,000 occasional dietary and habitual drinkers are the major source of the evil effects of alcohol."*

When Professor Emerson was asked:

"Does it (alcohol) do any good even in moderate amounts?"

His answer was:

"No. I say it has not been shown to improve any of the tissues of their functions. All kinds of tests have been made of the tissues of the body and they are always less good under alcohol than without it."**

When asked: "Do you believe in moderation or complete or total abstinence". Emerson said: "I see no merit in the claim that people are made less alcoholic by drinking moderately of alcohol. I believe that both from example and from practice, abstinence is a great deal wiser thing for us to teach".***

Lure of Alcohol

28. It is not easy to resist the lure of alcohol by moderation. It is true that every moderate drinker is not going to be an alcoholic, but every alcoholic started as a moderate drinker. Insofar as alcohol is insidiously enslaving, those who take to drinking begin with the resolution that they are going to control their drink, but more often than not it is the drink which ultimately controls them.

Obligation on the Part of Medical Profession

29. The leading members of the medical profession ought to inform other members of the dangers involved in prescribing alcohol as a medicine. This campaign of disabusing the minds of their fraternity can only be spearheaded by the medical profession. The medical profession owes to society an obligation. A nation-wide effort by physicians to disabuse the minds of laymen of the false notions which are held respecting the value of alcohol as a stimulant, tonic, or a supporting agent, is a pressing necessity. Scientific research has stripped the deceptive drug of every one of its supposed virtues, and it stands exposed as the most delusive, treacherous and pernicious agent that has ever been widely trusted by mankind. The popular faith in its healing power, in its value as an emergency aid, must be uprooted by education. Physicians ought to make an earnest effort to destroy the false beliefs which people have imbibed from age-long erroneous medical teaching and practice and upon which the public confidence in alcohol is based. The medical profession

*"The Physiology, Psychology and Pharmacology of Alcohol"—Lecture by Dr. Andrew C. Ivy, M.D., D.Sc., LL.D., distinguished Professor of Physiology, University of Illinois, Sixth Session, Instt. of Scientific Studies, California, p. 22.

** "Effects of Alcohol on Man"—Lecture by Haven Emerson, M.D., D.Sc., Professor Emeritus of Columbia University—Sixth Session of the Institute of Scientific Studies, p. 10.

****Ibid*, p. 11.

must acknowledge openly that alcoholic liquors are useless as remedies and the medical profession should refuse to write prescriptions for their internal use.

Resolutions of N.C.A.N.

30. The leading physicians of America at the National Convention of Alienists and Neurologists in 1914 unanimously adopted the following resolutions:—

“Whereas, in the opinion of the alienists and neurologists of the United States, in convention assembled, it has been definitely established that alcohol when taken into the system acts as a definite poison to the brain and other tissues; and

Whereas, the effects of the poison are directly or indirectly responsible for a large proportion of the insane, epileptic, feeble-minded and other forms of mental, moral and physical degeneracy; and

Whereas, the laws of many States make alcohol freely available for drinking purposes, and therefore cater to the physical, mental and moral degeneration of the people; and

Whereas, many hospitals for the insane and other public institutions are now compelled to admit and cater for a multitude of inebriates; and

Whereas, many States already have established separate colonies for the treatment and re-education of such inebriates, with great benefit to the individuals and to the commonwealth; therefore, be it

Resolved, that we unqualifiedly condemn the use of alcoholic beverages and recommend that the various State legislatures take steps to eliminate such use; and be it further

Resolved, that we recommend the general establishment by all States and territories of special colonies of hospitals for the care of inebriates; and be it further

Resolved, that organised medicine should initiate and carry on a systematic, persistent propaganda for the education of the public regarding the deleterious effects of alcohol; and be it further

Resolved that the medical profession should take the lead in securing adequate legislation to the ends herein specified.”

The penultimate resolution merits the special attention of the medical profession in India.

Resolution of American Medical Association

The two resolutions passed at the annual meeting of the American Medical Association, 1917, in view of their importance are reproduced below:—

“Whereas, we believe that the use of alcohol as a beverage is detrimental to the human anatomy; and

Whereas, its use in therapeutics as a tonic or stimulant or as a food has no scientific basis; therefore, be it

Resolved, that the American Medical Association opposes the use of alcohol as a beverage; and be it further

Resolved that the use of alcohol as a therapeutic agent should be discouraged."

The medical profession in India can render a signal service by acknowledging openly that alcoholic liquors are useless as remedies for any disease and should resolve not to write prescriptions for their internal use. This was done in America 50 years ago.

Physicians and Public Opinion

31. Nobody is better qualified to inform and educate the people on the ravages of alcohol on mind and body than the medical profession. The physicians of today can take up the initiative and deservedly acquire nation-wide leadership. The word of medical science will be *ex-cathedra* and, therefore, will be readily accepted. As a single factor, the contribution from the physicians will far transcend that of any other agency, if only they could eschew apathy and shed inertia which they unfortunately share with others. The medical men can influence the entire outlook of drinking and they can reinforce the efforts of the educators, social workers, preachers and administrators. In this programme of social work and public health, the physicians can unquestionably assume a leading role. Had it not been for indifference on their part, many a dangerous myth relating to benefits of alcoholic beverages would have been long exploded. Law has its own limitations and cannot lay any therapeutical claims by awarding jail sentences or heavy fines in order to cure the addicts and the alcoholics. Chastisement has some value as preventive or a deterrent measure. Legal machinery can function at its optimum when supported by public opinion. Public opinion is created by several agencies and the most effective and abiding are the scientific and medical truths. They admit of physiological demonstration and, therefore, have a lasting power.

Our Limitations

32. We have given the views of some of the leading lights in the medical profession as ascertained from their writings. We have also had discussions with some eminent physicians of our country. As none of us is conversant with the science of medicine, we are not in a position to affirm or abridge the findings which have been cited here. With opportunities for a limited study, we have not been able to lay our hands on any established authoritative work where the conclusions expressed were doubted or refuted. We have cited the views of eminent physicians and pharmacologists in the belief that they have expressed demonstrable scientific truths. Our object is to make the effect of alcoholic beverages better known to the medical profession and the laity.

CHAPTER XII

ACTION OF ALCOHOL AND DETECTION OF INEBRIETY

Wines, Brewed and Distilled Beverages

The beverages can be divided into three categories, wines, brewed beverages and distilled spirits. The wines are made by direct fermentation of part or all of the sugar in fruit juice, usually grapes; the brewed beverages are made by the conversion of the starch of cereals into sugar by the action of enzymes and the subsequent fermentation of the sugar; and the distilled spirits are produced by fractional distillation of wine or brewed beverages to concentrate the alcohol in the distillate. The active agent in fermentation is yeast, it expedites chemical changes and converts sugar into alcohol. To prepare wine of a sort, it is only necessary to leave fruit juice, palm juice, coconut milk or any other sugar containing vegetable fluid exposed to the air in a warm place.

Natural and Fortified

2. In the natural wines, the concentration of alcohol ranges between 4 and 22%. Fortified wines are made by addition of distilled spirits, usually brandy, to natural wines to increase the content of alcohol. Thus, sherry, which is a fortified wine, contains some 20 to 22% of alcohol. In the earlier times, natural wines and brewed beverages were the only alcoholic drinks. Distilled spirits appeared only when the process of distillation was developed and applied. The essential feature of distilled spirits is the high concentration of alcohol and the absence of any solids which were present in the original vegetable material from which they are made.

Dilution, Absorption and Distribution

3. Alcoholic beverages contain from 3 to 50% of alcohol*. In concentrations below 15 or 20% it causes little irritation in the tissues, the mouth, throat, oesophagus and stomach, with which it is brought in contact. Below 5 or 6% there is no irritation. The distilled spirits unless diluted are definitely irritating when they are swallowed.

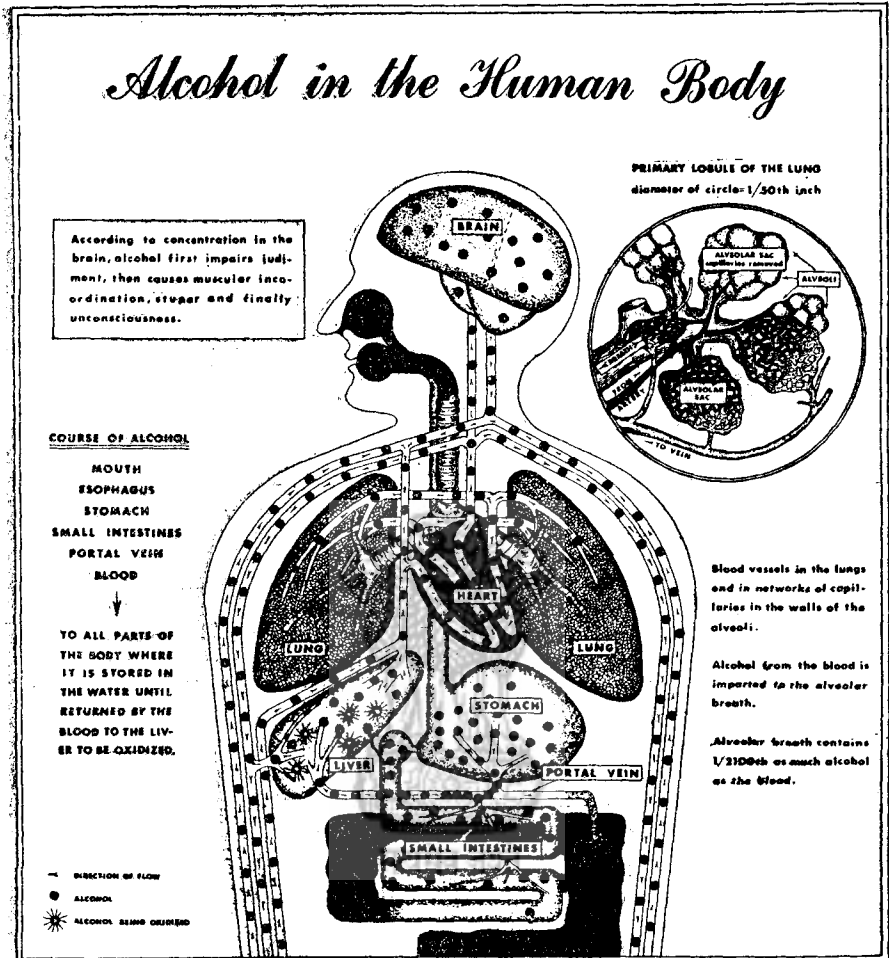
The dilute beverages have less irritating effects. Also, the more dilute the beverages, the less actual alcohol is consumed, other things being equal. In countries where dilute beverages are used, there is less intoxication and less alcoholism. The wider use of brewed beverages and reduction in the concentrations of alcohol in distilled spirits and wines would be a move towards moderation.

Course of Alcohol in the Human Body

4. It is possible to predict from concentration in the blood how much alcohol has been absorbed and conversely, from the amount absorbed, the

*Please see chart at end of chapter.

concentration in the blood. Alcohol enters the blood by absorption and leaves it by oxidation and elimination. When a person takes an alcoholic



beverage, its course may be traced as follows after it enters the mouth (See Figure above). On being swallowed, it passes through oesophagus to the stomach. There some of it is absorbed through stomach wall into the blood and the remainder passes into the small intestines. It takes 30 to 90 minutes for absorption of all alcohol, the variation is due to individual absorption rate and food contents of the stomach and the intestines. Alcohol is diluted by the total blood of the body and the blood carrying the alcohol is pumped by the heart to all tissues of the body, where it is stored in the fluid contents of the body until it is returned by the blood to the liver to be oxidised. From the blood alcohol is imparted to the alcoholic breath which contains $1/2100$ th as much alcohol as the blood.

5. There is also alcohol present in the brain which is responsible for the intoxicating effect, but the brain is not always available for analysis except at the time of post-mortem. There are however indirect methods of determining concentration of alcohol in the brain.

Euphoria

6. Alcohol dulls the critical faculties. An individual who is usually shy and tongue-tied becomes more talkative and noisy as the result of drinking a moderate amount of alcohol. His capacity at self-criticism disappears. It makes people feel more skilful under its influence whereas, actually they are becoming less skilful. A small amount of alcohol induces a feeling of careless well-being called 'euphoria' which is only deceptive and temporary. Euphoria is one of the principal reasons for which people are drawn to drink in order to get away at least temporarily from the awareness of their personal, social or environmental difficulties and worries. Younger people should be educated to have other and more compelling leisure interests than drinking.*

Effects of Alcohol

7. There is first a feeling of well-being and a certain high excitement. Actions, speech and emotions are less restrained due to a lowering of the inhibition normally exercised by the higher centres of the brain. With this, there is increased confidence and a certain carelessness of consequences. This implies a lack of self-control, which is one of the first things observed after one takes alcohol and which is a sure feature of alcohol poisoning.

The increased loss of inhibitory action of the higher centres causes alteration in the conduct of the individual according to the dictates of his inherent desires and emotions. Thus, an individual may become morose, gay, irritable, pugnacious, sleepy and so on according to the dominant impulses which have been released. There is a certain clumsiness and in-coordination in the finer and more skilled movements by slight alteration in speech and in the finer movements.

This passes into a third stage where the motor and sensory cell are deeply affected; speech becomes sticky and slower; coordination is markedly affected, causing the patient to become giddy, to stagger and possibly to fall.

The final stage is reached where the subject passes into a stage of coma, with strenuous breathing, indicating a commencing paralysis of the respiratory centre. The coma lightens into a deep sleep and usually the patient recovers in 8 to 10 hours and wakes up with gastro-intestinal irritation, and usually nausea, vomiting and severe headache. If the coma continues for more than 5 hours, the prognosis is bleak, coma of 12 hours' duration is almost certain to be fatal.

Characteristics of Alcohol

8. When ingested in large quantities, alcohol interferes with motor coordination, with speech and with respiration. In small quantities, it causes dilation of the peripheral blood vessels and a flow of gastric juice. Its outstanding quality is that it is a depressant but not a stimulant, acting primarily on the central nervous system. The term 'depressant' is not understood to indicate a low mental or physical condition but in the sense that its effect is that, it depresses or decreases cortical activity of the brain. In other words, it lessens the activity of the brain. It also lessens the activity

*Hygiene and Health Education, M. V. Davies, PU Liby.

of an organ or a system. In this sense, depressing effect should not be understood to mean that it saddens or dis-spirits a person but that it lessens functional activity. Depression in this sense is the outstanding physiological characteristic of alcohol.

Diagnosis of Acute Drunkenness

9. The breath smells of drink. The face may be flushed, the pupils slightly dilated and conjunctives congested, the pulse tends to be accelerated. There is difficulty in fixation of the eye and convergence is limited. Diplopia may occur. Indistinctness in speech may be noted varying on the stage of intoxication and with the individual. The repetition of difficult phrases may have a certain value in estimating the loss of coordination of speech. Hiccup may be present. There may be a certain in-coordination of the upper or lower limbs. Demeanour of the individual, whether he is excited, talkative, abusive, etc. may be noted. His memory for recent events should be tested and also his knowledge of the passage of time. Blood or urine tests furnish precise information.

Medical Examination

10. A model scheme of medical examination is given to which the examiner should adhere, requiring him to note down history, general behaviour (indicating general deportment, state of dress, speech, self-control), memory and mental alertness, writings, pulse, temperature, mouth (noting down whether tongue is dry, moist, furred or bitter) as also the smell of the breath, eyes for general appearance, visual acuity, intrinsic and extrinsic muscles, ears gait (noting manner of walking whether it is straight, irregular, over-precise, staggering, reeling, or with feet wide apart; reaction time to a direction to turn, manner of turning, etc.), stance (with eyes open or closed), muscular coordination. The examinee should be asked to place finger to nose, place finger to finger, pick up medium sized objects from the floor, unbutton and rebutton waistcoat or clothes, relaxes of knee and ankle, the heart, lungs and abdomen should be examined.

"Under the Influence of Drink" Test

11. With increase in drunkenness and its dangerous potentialities, the detection of inebriety assumes great medico-legal importance. The difficulty presents itself when it has to be shown that a motor vehicle is being driven not by a 'drunken' or 'intoxicated' person but by one who is 'under the influence of drink' *vide* Section 1·17 of Indian Motor Vehicles Act (4 of 1939). The diagnosis of a person alleged to be 'under the influence of drink' presents considerable difficulty. A person who is slightly intoxicated is capable of walking without staggering and talking without being incoherent and capable of behaviour seemingly as of a sober person. Even a mild degree of inebriety is pregnant with greater danger in the case of a man in control of a motor vehicle. Such persons are responsible for most traffic accidents. If he were uncontrollably drunk, he is no danger as he is entirely incapable of driving a car. The danger comes from a person seemingly sober but not in complete control of his faculties and his motor reflexes are not properly coordinated. In order to secure conviction against him the determination of concentration of alcohol in his blood is necessary. His inebriety presents a medico-legal problem which sometimes baffles law, commonsense and even science. The effective concentration of alcohol in the blood may react differently in the individuals.

Usual Tests Not Always Satisfactory

12. Prior to harnessing science to the service of detection in cases involving drunkenness through blood test, urine test, etc. the police used to resort to—and in a large number of cases in our country it even now does—the time-honoured rough and ready tests for finding out whether a person is ‘intoxicated’ or ‘under the influence of drink’. In a fair majority, these tests are helpful without being by any means invaluable. The risk though infrequent of convicting innocent persons who have been outwardly manifesting signs of inebriety without having taken alcoholic beverages, cannot be over-looked. Some of the well-known tests are whether the gait of a person suspected of having consumed alcohol is unsteady, his eyes bleary, and blood-shot, pupils dilated, his speech slurred, he smells of liquor, his clothes are disarranged, he sways and staggers and cannot walk in a straight line, his speech is slow, enunciation poor, face is flushed, whether he can touch the tip of his nose by closing his eyes and after putting his arms out at right angles, without flexing—otherwise known as ‘finger to nose test’. There are also other tests of locomotion or of coordination. In their own way, they serve to furnish valuable clues, but taken singly or together they are not free from errors.

Behaviour Tests

13. There are also behaviour tests as to whether such a person is polite, hilarious, excited, talkative, impolite, sarcastic, restless, insulting, stupified, bellicose, dull or silent. These tests are also of doubtful value because the above-mentioned conditions can be present in inebriety as well as in sobriety. By no means these tests can be considered to be diagnostic. Persons who have not taken even a drop of liquor sometimes behave in a similar manner as the drunk and exhibit a mental state and unusual actions which are similar to those of drunken persons. A mild brain concussion of a severe mental shock makes a person appear drunk. The risk of conviction of the innocent on the basis of such external tests cannot be ruled out. On the other hand, there are persons accustomed to taking fairly large quantities of liquor and yet conduct themselves as if they were in full possession of their faculties and had undiminished control over their actions, conduct and talk. Nevertheless, such seemingly sober persons when in charge of a motor vehicle are grave potential dangers to themselves, their passengers and other road users. They do not even smell of alcohol. It may be noticed here that pure alcohol practically is odourless. The odour is emitted by the material used in liquor. What people actually smell on drunken person’s breath is the aroma of aromatic substances used in different liquors. Chlorophyll and some other strong smelling things, in our country—betel leaf and cardamoms, peppermint drops, are used for covering up tell-tale odours. They may deceive a person drawing conclusion from breath but cannot fool chemical analysis tests. Similarly, some people can drink without any indication in the form of a flushed face. There are sickly people who can stand heavy drinks far more than some healthy people. Certainly steady drinkers can imbibe a great deal of alcohol without their locomotion being affected in a tell-tale manner. In a few cases, a conclusion from behaviour and actions whether in favour of sobriety or inebriety has turned out to be wrong resulting in miscarriage of justice. It is, therefore, highly desirable, in order to make sure that the guilty do not escape and the innocent are not convicted, to resort to scientific methods.

Percentage of Alcohol in Blood

14. Scientific experience has shown that a person having 0·15% or more of alcohol in his blood definitely suffers from impaired faculties, even if seemingly he does not appear to be uncontrollably drunk. Scientists are also agreed that a person having in his blood a lesser alcohol content than 0·05% is sober and such alcohol as he might have ingested has had hardly any influence upon his judgment; and there is no interference in point of coordination between his brain impulses and muscular reaction. A person with an alcoholic content in the blood below 0·05% is sober to all intents and purposes, alcohol having no effect on him. The only difficulty is that it is not possible to draw any accurate line of demarcation regarding the state of intoxication between concentrations above 0·05% and below 0·15%. Within this range, there are marked individual variations. The following conclusions can be drawn:

(a) If analysis of the blood does not disclose existence of alcohol, it is an absolute proof of non-intoxication. This shows that as against what is shown in the blood report, no adverse conclusions can be drawn regarding a person being intoxicated from his outward appearance. A person may appear to stagger or his speech may even be incoherent and in the absence of a chemical test, there may be a tendency to jump to the conclusion in favour of inebriety, although no alcohol has been imbibed. There is a likelihood of an innocent person being falsely implicated because of certain outward appearances in behaviour which may resemble a drunken condition. The advantage of the chemical test is that there is no danger of an innocent person being wrongly committed.

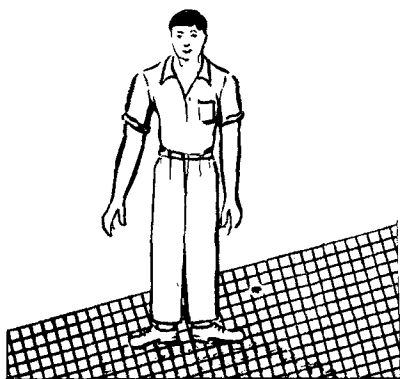
(b) If alcohol is present in the blood, the consumption of alcohol is established. Medical authorities are agreed on the symptoms of alcoholic intoxication or drunkenness in relation to the amount of alcohol in the blood. From ·01% to ·05% a person is slightly intoxicated, and generally delicate and sensitive tests are required to demonstrate this. With a blood concentration of ·1% a person is definitely intoxicated and this can be easily demonstrated by test. Almost 30% of the people with ·1% are conspicuously intoxicated. At ·2% 100% are conspicuously and many hopelessly drunk. At ·3% a person is stuporously drunk. At ·4% a person is dead drunk. At ·5% to ·8% he is dead. They are dead because of alcoholic poisoning. According to Dr. Ivy, Head of the Department of Clinical Sciences in the University of Illinois, 2500 to 3000 fatal cases of alcoholic poisoning occur every year and in some years the total deaths on account of alcoholic poisoning is around 5000.

(c) A consumption below 0·05% indicates that the alcohol has not created any injurious condition so as to impair the faculties of the subject.

Rigid Standard

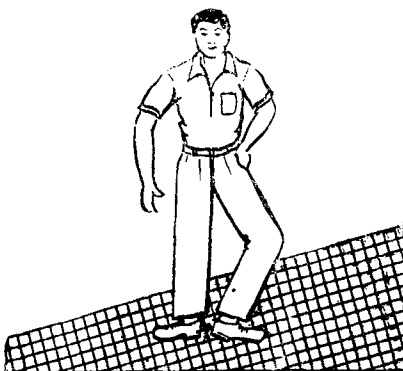
15. Scientifically it may seem arbitrary to draw the line at 0·05% for determining sobriety or insobriety. This standard ought to receive statutory acceptance and the matter should not be left to the discretion of the courts that a person whose blood shows 0·05% of alcohol or more is or is not 'under the influence of drink'. Having regard to the extreme dangers from an intoxicated driver or drunken operators of various machines, it is proper to ensure a margin of safety to the public by insisting on such person being of unquestionable sobriety. An accused must not be heard

LESS THAN 1 mg.



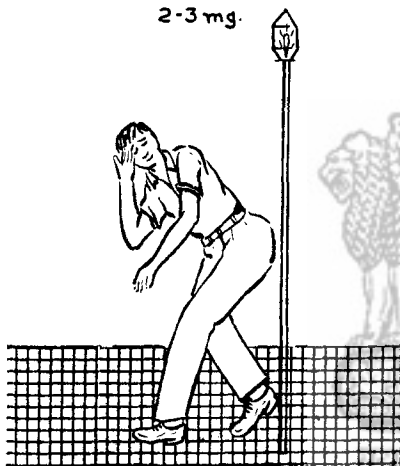
Dry and decent

1-2 mg.



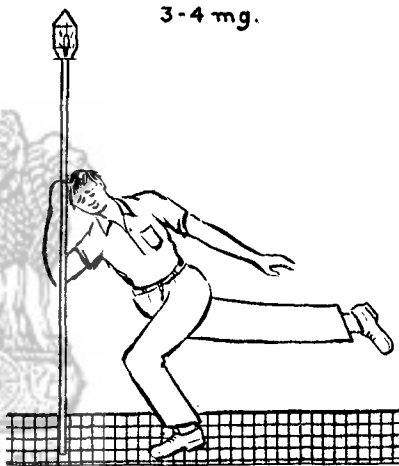
Delighted and devilish

2-3 mg.



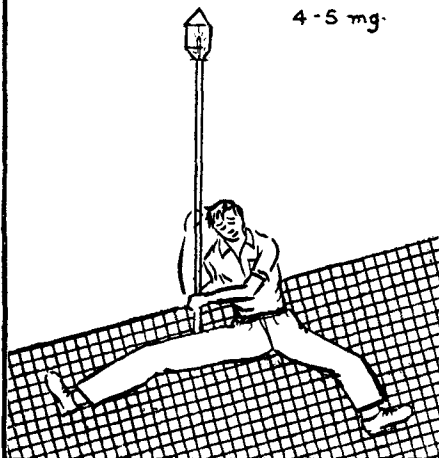
Delinquent and disgusting

3-4 mg.



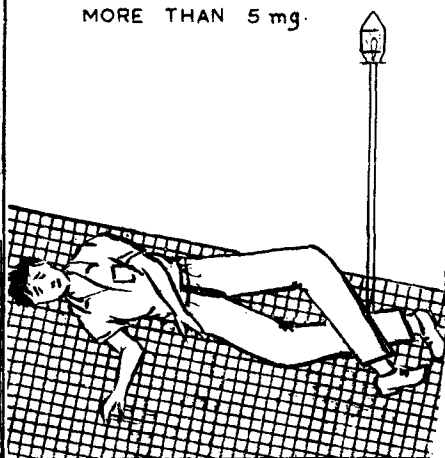
Dizzy and delirious

4-5 mg.



Dazed and dejected

MORE THAN 5 mg.



Dead drunk

to urge in a court of law that although his blood showed 0·05% alcohol or more, he, in fact, was sober and had reasonable control of his faculties and, therefore, was not 'under the influence of drink'. We do not think that the law should be bent in favour of a person who has ingested 0·05% alcohol or more. It will not even be correct to shift the onus of proof on such a person to show that although the blood analysis indicated presence of 0·05% or more alcohol in his blood, nevertheless there was no impairment. It will introduce an element of certainty and definiteness if an inelastic standard of 0·05% of alcohol in the blood were made a rule raising an irrebuttable presumption.

16. Dr. Ivy feels that though there is a detectable impairment of functions with 0·05% of alcohol in the blood and above, the legal definition arbitrarily fixing ·15% as proof of intoxication in the United States ought to be brought down. He strongly feels that this is due to the political pressure and strong liquor lobby that there is such a high level concentration. He is strongly of the view that the legal definitions of intoxication in the law books should be ·05% instead of ·15% as all the tests show impairment at ·05%. This is recommended in order to prevent personal injury, accident and deaths as a result of drunken driving.*

17. The present state of law does not appear to be satisfactory. If a uniform standard is laid for differentiating between the sober and the intoxicated, this will avoid a good deal of legal quibbling with expert testimony. It should, therefore, be mandatory upon the courts to accept that a person is 'intoxicated' or 'under the influence of drink' if the standard laid by law is satisfied, by showing that the alcoholic content is 0·05% or more. The establishment of an arbitrary legal criterion regarding concentration of alcohol in the blood for determining inebriety at 0·05% or more will not result in any injustice. This determination, however, does not deprive the accused person of other defences, e.g. that the ingestion was involuntary or under a mistake. The worth of the defence will depend upon its credibility.

18. Blood, more than any other body fluid, gives an accurate concentration of alcohol in the brain. It is not difficult to obtain and admit of analytical determination to a high degree of accuracy. Neither the storage nor transport is a problem for blood specimens. The only hitch is that in order to draw the sample, the services of a physician are required and for analysis, there should be a trained technician. Getting of blood sample may present certain amount of difficulty where the subject is not cooperating.

Alcohol in Urine

19. Urine has certain advantages over blood as it is more readily available even without the cooperation of the subject and no trained personnel is needed for collecting a specimen. The urine secreted has somewhat higher concentration of alcohol than the blood, the relation is about 1·3 to 1·0. Scientists think that concentration of alcohol in urine bears a constant relationship to the concentration of alcohol in the blood at the time urine is secreted. Urinary bladder is a storage chamber and it goes on being

*Lecture by Andrew C. Ivy, Professor of Physiology and Head of the Department of Clinical Sciences, University of Illinois at the 6th Session of the Institute of Scientific Studies, California, in "The Physiology, Psychology and Pharmacology of Alcohol", pp. 7-8.

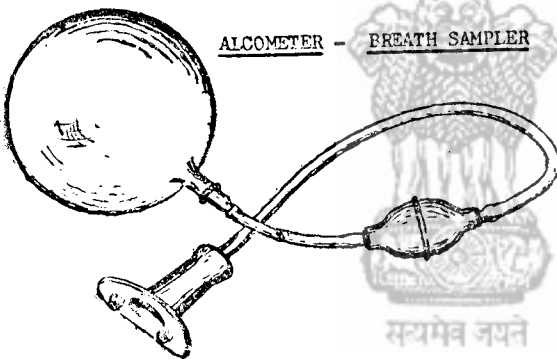
filled by the kidneys over some period. Urine found in the bladder represents what has been secreted over that period of time since bladder was last emptied. The concentration of alcohol in the bladder urine represents the average over the past several hours, i.e. from the last evacuation, and not the concentration prevailing at the time when the sample was secured.

Alcohol in Saliva

20. Saliva also indicates concentration of alcohol in the blood but its usefulness as a sample is doubtful as it requires considerable cooperation on the part of the subject.

Alcohol in Breath

21. Breath has been widely used for the determination of alcohol in the blood. The air inhaled comes into contact with large area of blood vessels and then passes from blood into the air having circulated through lungs. There is a constant relationship between the concentration of alcohol in the blood and in the air exhaled. The use of breath for purposes of analysis has distinct advantages over the use of blood and urine as mentioned elsewhere. A sample breath (See figure below) can be collected



A simple device for obtaining a breath sample from an unconscious person.

easily even from a non-cooperating subject. There are no painful difficulties encountered, as in drawing blood. The services of a physician are not imperative. The breath also gives the exact concentration of alcohol in the blood when the sample is taken. Lastly, the alcohol contained in the breath admits of easy analysis.

Alcohol in Spinal Fluid

22. The spinal fluid is not deemed to be a good index of intoxication as the blood. Moreover it is not easy to secure a specimen of spinal fluid outside of a hospital. As a material for diagnosis of intoxication it is unsuitable.

The following table shows the effect on behaviour of certain alcoholic beverages on the human system of a person weighing 150 lbs. For those weighing more or less than 150 lbs. the effect of beverages will vary correspondingly. Effect on different individuals varies while the quantity drunk remains the same.

The Effect of Alcoholic Beverages

Amount of beverage consumed	Concentration of alcohol attained in blood	Effect	Time required for all alcohol to leave the body
1 highball (1½ oz. whisky) or 1 cocktail (1½ oz. whisky) or 3½ oz. fortified wine or 5½ oz. ordinary wine or 2 bottles beer (24 oz.)	0.03 %	No noticeable effects on behaviour.	2 hrs.
2 highballs or 2 cocktails or 7 oz. fortified wine or 11 oz. ordinary wine or 4 bottles beer	0.06%	Feeling of warmth—mental relaxation—slight decrease of fine skills—less concern with minor irritations and restraints.	4 hrs.
3 highballs or 3 cocktails or 10½ oz. (1 pt.) ordinary wine or 6 bottles beer.	0.08%	Buoyancy—exaggerated emotion and behaviour—talkative, noisy, or morose.	6 hrs.
4 highballs or 4 cocktails or 14 oz. fortified wine or 22 oz. ordinary wine or 8 bottles (3 qts) beer.	0.12%	Impairment of fine coordination—clumsiness—slight to moderate unsteadiness in standing or walking.	8 hrs.
5 highballs or 5 cocktails or (½ pt. whisky)	0.15%	Intoxication—unmistakable abnormality of gross bodily functions and mental faculties.	10 hrs.

Source :—Leon A. Greenberg: "Intoxication and Alcoholism : Physiological Factors", The Annals, 315:28 (Jan 1958), quoted in 'Sociology of Deviant Behaviour', by M. B. Clinard. (p. 323; 1963 Edition).

CHAPTER XIII

THE APPLIANCES FOR DETERMINING ALCOHOLIC CONTENT

Breath Testing Instrument

In our country blood analysis is the only known method for determining the alcoholic content. The difficulties and inconveniences attendant on such tests are well-known and have been briefly referred to in chapter XII. We shall now refer to some of the modern appliances in use in other countries and which can be usefully adopted in India, in view of their ease of operation, accuracy of results and convenient handling by persons, who need not themselves be experts in medical or chemical science.

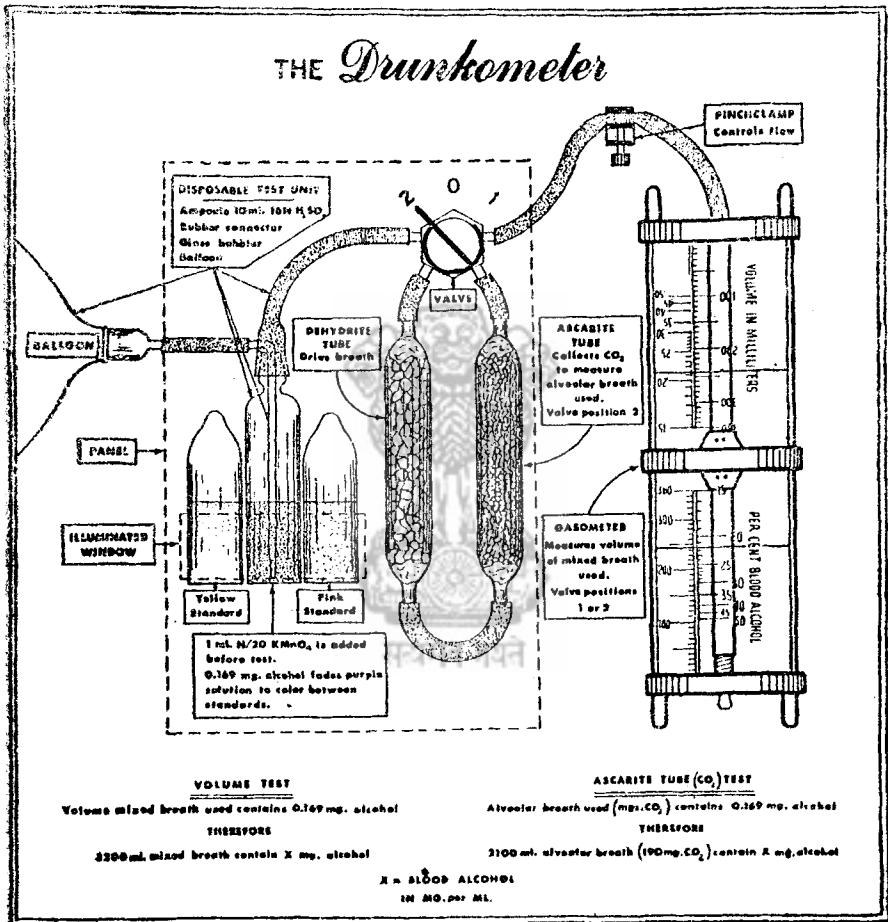
Drunkometer, Alcometer, Alcoholometer, Intoximeter, Breathalyzer

2. The appliances for determining alcoholic content from the breath have been in use in America for the last 30 years. They have been given different names, *e.g.*, drunkometer, alcometer, alcoholometer, intoximeter, breathalyzer, etc. The primary purpose of these equipments is to protect the innocent, safeguard the sick and provide evidence of the degree of intoxication. Like all other scientific methods for determining intoxication, these devices do not measure the amount of alcohol consumed, but the concentration of alcohol in the blood at the time of the test. We describe below how some of these appliances work.

Drunkometer [Figures (1), (2), (3) and (4)]

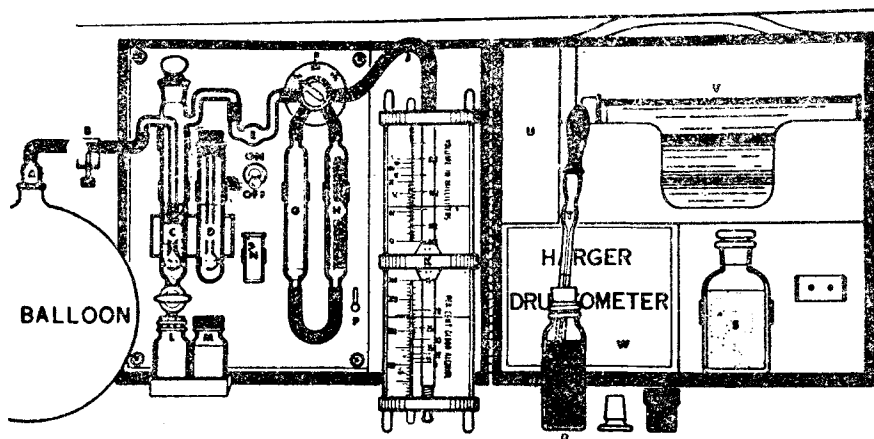
3. The drunkometer examines sample of the breath when it is collected in a balloon [Figure (1)]. The balloon is attached to the inlet tube and breath

Figure (1)



is bubbled through reagent which in its turn removes any alcohol present in the breath and holds it in solution.

Figure (2)



- A Balloon adapter
- B Pinch clamp
- C Reaction Tube
- D Comparison standard
- E Trap
- F Valve
- G Dehydrite Tube
- H Ascarite Tube
- J Gasometer connector
- K Gasometer
- L Waste bottle
- M Distilled water
- N Holder for stopper
- P Peg
- R N/20 Potassium Permanganate
- S 56% by wt. Sulphuric Acid
- T 1 ml. Pipette
- U Space for balloons
- V Extra Tubes
- W Bin for accessories



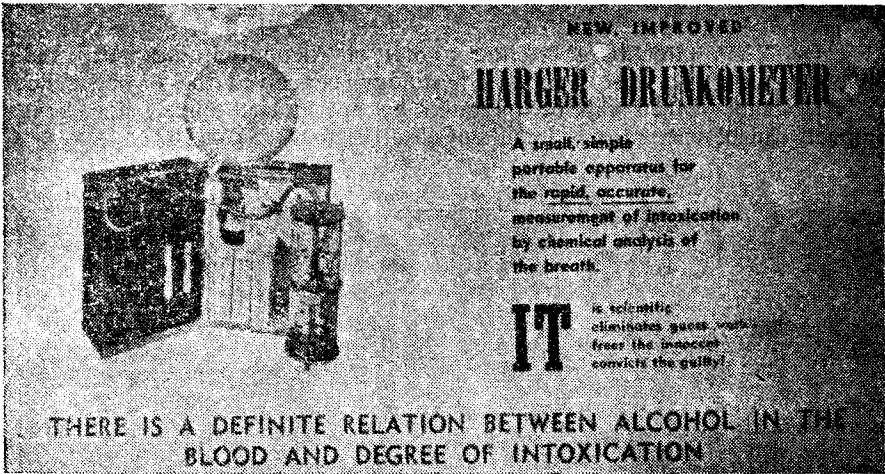


Figure (3)

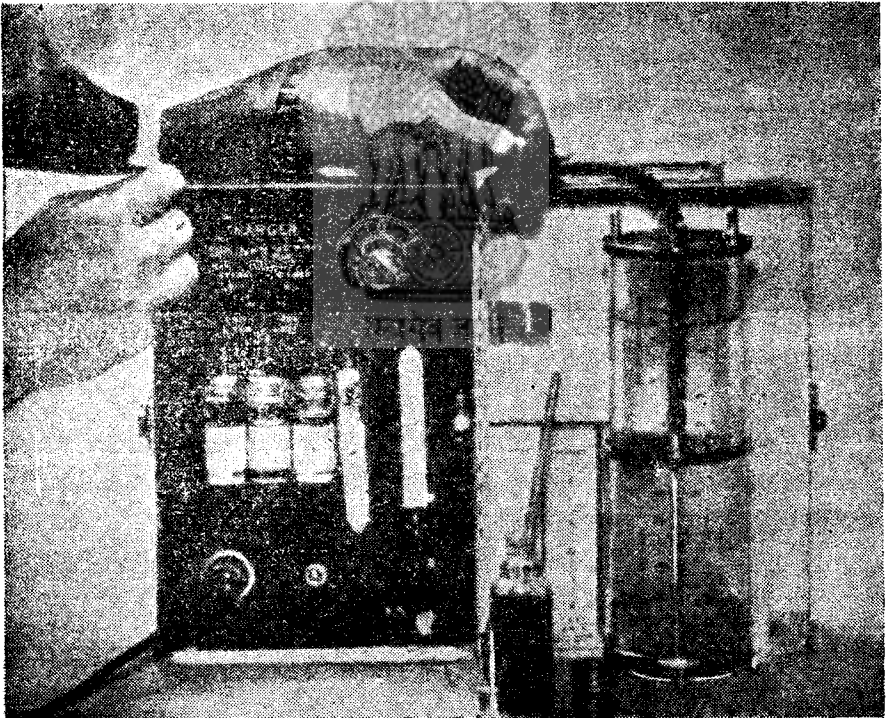


Figure (4)

Old Reliable Drunkometer depends on a purple chemical which fades when balloon-stored breath of drunk driver hits it. Gasometer, right, gives a rough measure of alcohol in the blood.

Alcometer

4. Dr. Leon Greenberg* of the Center of Alcohol Studies at Yale University Laboratory of Applied Physiology, conceived the device called the 'Alcometer' which can be operated by any police officer, and being compact, can be carried in a small suit-case [Figures (5) & (6)].



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Figure (5)

*See Excursus Infra.

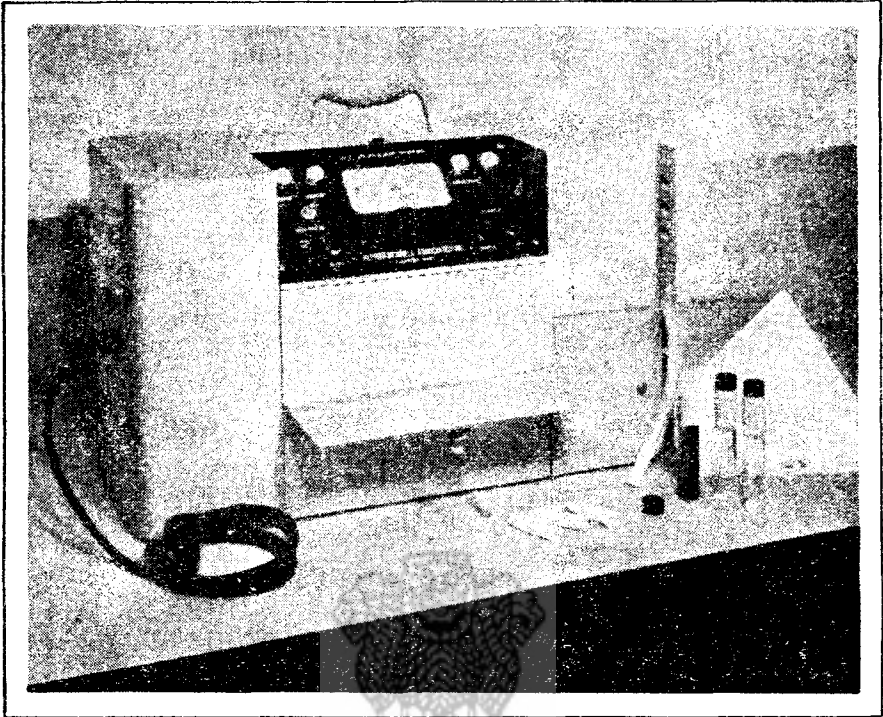


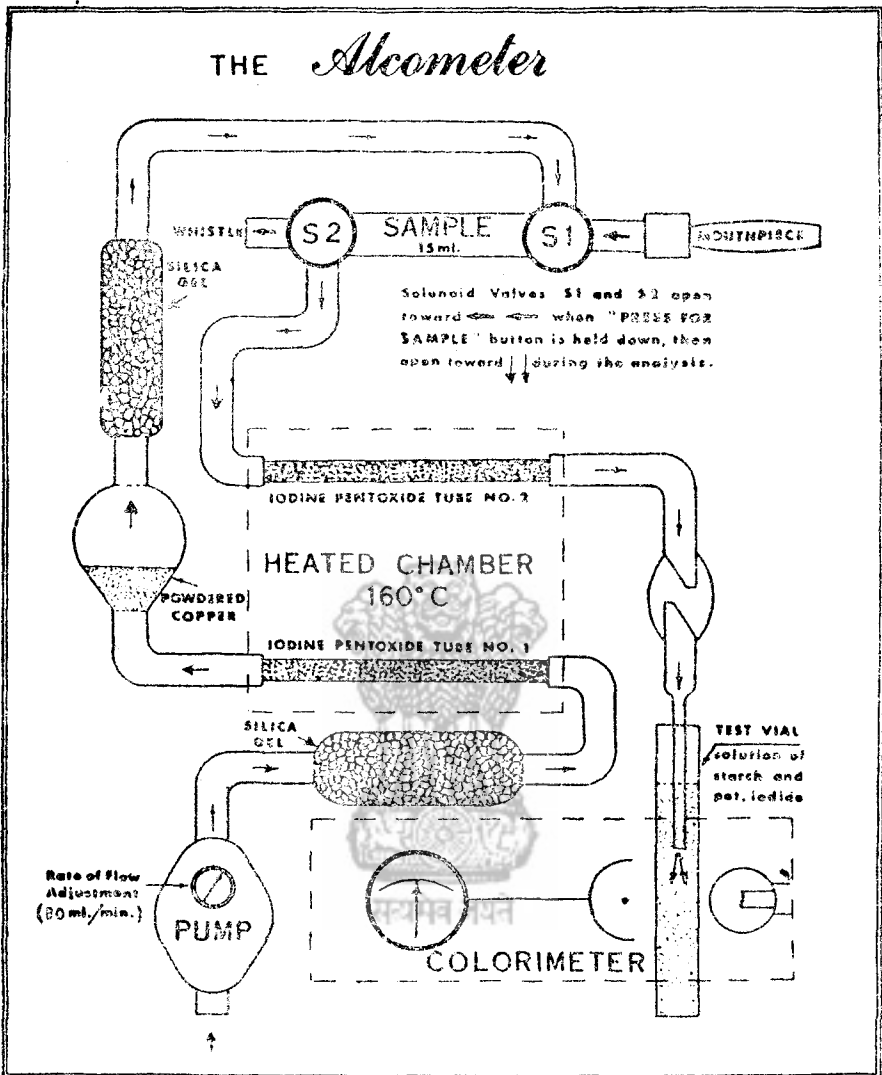
Figure (6)

The New Improved Alcometer

A Completely Automatic Analytical Laboratory for Determining the Concentration of Alcohol in the Blood Stream

Developed by the Research Laboratories of Aba, in Collaboration with the Department of Applied Physiology, Yale University

The subject's cooperation is needed to the extent that he is required to blow into the alcometer and his breath is trapped in a valve. An important check on suspects merely pretending to blow in, is provided by a whistle which must go if a person is in fact blowing in [Figures (7) & (8)]. The breath is pumped into a chamber containing iodine. The iodine enters a tube containing starch solution and turns the starch blue. The starch gets bluer if there is more alcohol in the breath. A photo-electric cell moves the needle on the dial to show concentration of alcohol in the blood.



Schematic Drawing
 Chemical—Heating—Optical System
 Courtesy of
 Lt. Robert F. Borkenstein
 Indiana State Police Laboratory

Figure (7)

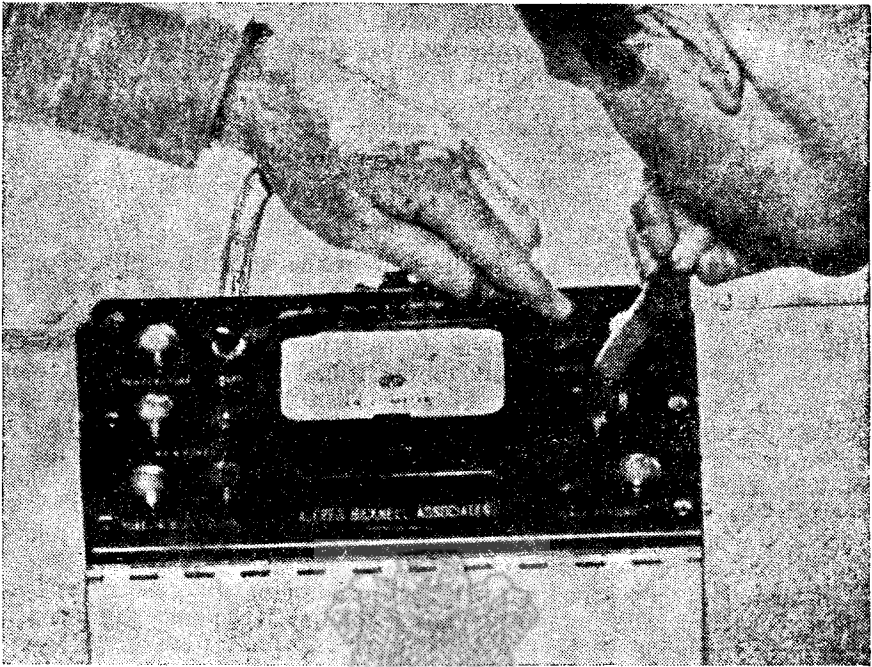


Figure (8)

on a whiff of his breath

Alcometer's Push-Button Operation simplified breath-testing equipment. It works automatically, much like the Breathalyzer. A verdict shows up on its meter in a matter of minutes.

Intoximeter

5. The Forrester Intoximeter is a portable device contained in a cardboard cylinder 2X8-3/8 inches (Figures 9 and 10) which contains equipment for a single test. For use in court, the unit must be prepared by a chemist so that he may testify concerning its original condition as well as regarding its analysis incidental to the test. The intoximeter enables a police officer to do two things at the scene of the arrest: (a) collect a sample of breath for an accurate analysis by the chemist at some later time; (b) obtain an estimate of the blood alcohol concentration by noting the length of time required for the breath to bleach out a permanganate solution. This latter test may not be testified to in court over objection, since it involves some hearsay information.

Preparation of Intoximeter Unit for Use

6. The chemist, who later is to make the chemical analysis, should be prepared to testify:

- (a) That he weighed the ascarite tube on a stated date and recorded its weight;

- (b) That he charged the magnesium perchlorate tube (used for absorbing moisture and alcohol out of the breath) with granular magnesium perchlorate $\text{Mg}(\text{ClO}_4)_2 \cdot 1\frac{1}{2} \text{H}_2\text{O}$ which he had tested and found free (or nearly free) from alcohol;
- (c) That he assembled the various parts of the equipment, saw that all connections were tight and sealed the unit.

Making the Test

7. The police officer breaks the seal of the apparatus placed on the unit by the chemist, and assembles the parts as indicated in Fig. (9). A glass capillary tube containing 0.02 c.c. of N/10 potassium permanganate solution is held horizontally while its ends are snipped off. The content is then transferred quantitatively to the fritted glass plug of the colour-change tube and the stopper is replaced. Then the subject is asked to take a deep breath and blow up the balloon to a size large enough to hold the entire intoximeter shipping case ($2\frac{1}{2} \times 9$ inches). The red cap at the end of the ascarite tube is unscrewed so that the breath will pass slowly through the magnesium perchlorate ascarite absorption tubes. Then the rubber stopper at the end of the colour-change tube is removed, and the length of time (in seconds) is noted when the purple colour of the permanganate is just bleached out by the passage of breath through the fritted glass plug. The length of time required for this is an inverse function of the alcohol content of the blood.

Time 39 seconds or less	0.15% or more alcohol in blood.
Time 40—53 seconds	0.15-0.10% alcohol in blood.
Time 53—80 seconds	0.10-0.05% alcohol in blood.
Over 80 seconds	negligible alcohol (less than .05%).

8. The colour-change test gives the police officer an immediate estimate of the degree of intoxication to guide him in handling the case. If the colour fades in 53 seconds or more, he may choose to ignore alcohol influence as a factor in the case. The officer replaces the caps on the ascarite and magnesium perchlorate tubes, replaces the equipment in the case and seals the apparatus marking the name of subject, date and time of test, and decolorizing time on the sealing label. The unit is then brought (or mailed) to the chemist for analysis. By reweighing the ascarite tube, one obtains the weight of carbon dioxide from the breath sample. By removing the magnesium perchlorate, dissolving in water and distilling off the alcohol, the quantity of alcohol in that breath may be determined. From this data, the quantity of alcohol which would have accompanied 200 mg. of carbon dioxide may be obtained by simple proportion. The same amount of alcohol would have been contained in 1 gm. of blood circulating through the subject's lungs.

THE *Intoximeter*

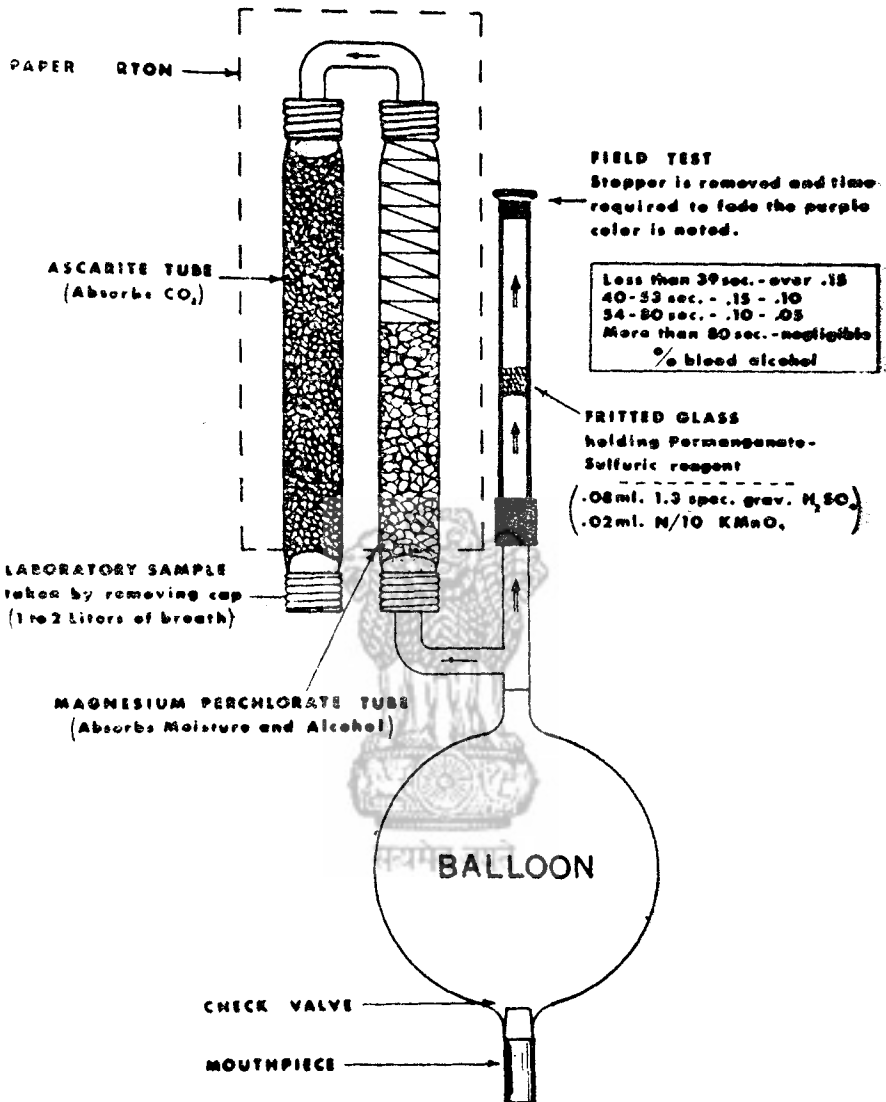


Figure (9)

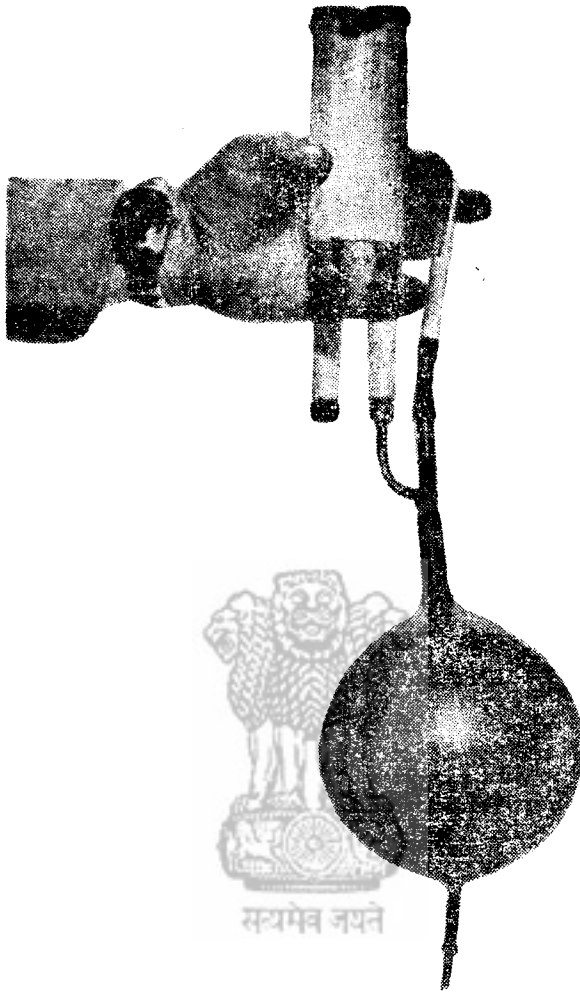


Figure (10)

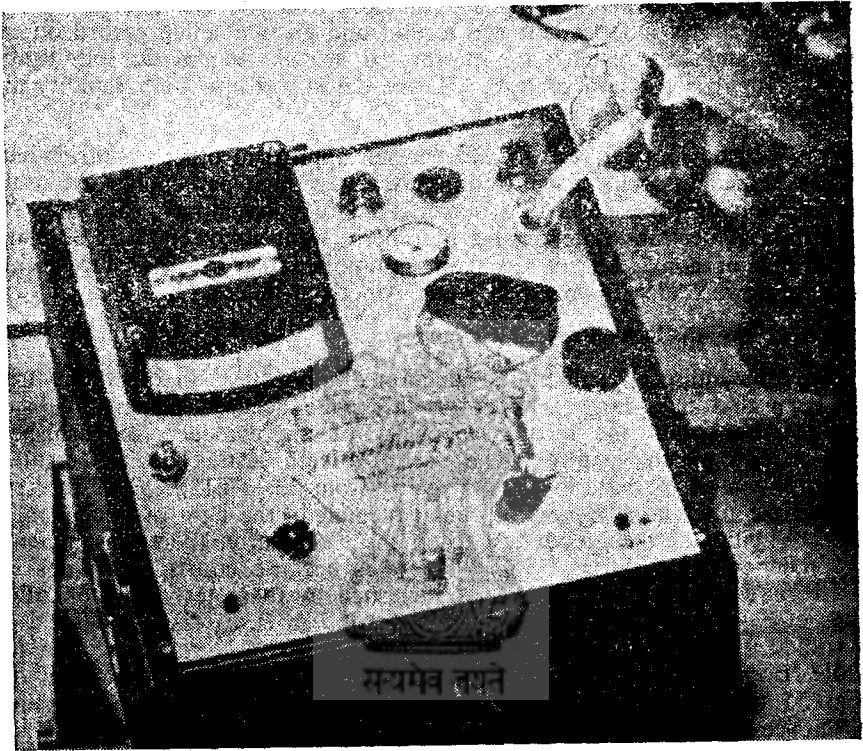
Intoximeter, in 39 Seconds, gives a rough idea of drunkenness when sample breath from a balloon fades the liquid in the tube at right. Other tubes collect breath for finer analysis

Breathalyzer

9. The portable breathalyzer [Fig. (11)] can operate from a car battery and the needle on the dial will show accurately how much alcohol is in the breath. The policeman asks a subject to blow into a rubber tube which leads to a small cylinder having a simple piston valve that lets the air out as it is blown in. Then the valve shuts trapping about 3·4 cu. inches of the breath inside. The air which has been breathed out has gone very deep inside the lungs where it is absorbed in the blood. The small sample of the breath is sent into an ampule containing a yellow solution of potassium dichromate in sulphuric acid. This solution absorbs alcohol and in doing so, its colour fades. The more alcohol there is in the breath, the

paler the solution gets. The colour change is measured by photo-electric cell. The extent of the alcohol is read from the dial. The drunkometer, the alcometer and the intoximeter work on a similar system and reveal the amount of alcohol in a person's blood measuring it from his breath. The devices work automatically and announce their verdict in a matter of minutes.

Figure (11)



PORTABLE BREATHALYZER, newest of the lot, can operate off a car battery. A balancing act by two photocells swings the needle to show accurately how much alcohol is in the breath.

Advantages of Breath Tests

10. Breath tests have signal advantages over the chemical blood tests carried in a laboratory. The cost of breath tests is lower and they provide a conclusive answer without waiting for a laboratory report. They also minimise objections and difficulties in obtaining samples which can more conveniently be taken where the subject is not co-operating. A whiff of breath is all that is needed for the operation of the device, and it can be done with a minimum amount of cooperation from the individual tested. The recording of concentration of alcohol is automatic, the delays are avoided as the results are produced in a matter of minutes; and the risk

of swapping specimens by negligence or design on the part of persons handling the specimens, is entirely eliminated. The record is made available to the court in a tangible form and in case of doubt, a double check can be made and the test results can be independently verified. The intoximeter also provides a captured sample which is available for expert analysis, if needed. The analysis is being done by the machine accurately and the operator is merely a sample collector, and he need not be an expert or even trained in chemistry. The sample collection and the test results can be done on the spot with portable intoximeters. Recently, there have been further improvements in the appliances which enable a double check test which allows independent verification and gives detailed record on test operation and test result on a perforated scale. Automatic self-flushing permits rapid succession of tests. These devices ensure both rapidity and accuracy and exclude guess work.

11. The devices referred to above when applied in other countries have greatly helped in securing convictions to a very high percentage. After the introduction of these tests, the percentage of convictions rose to 95% in certain American States,* and in others, went upto 100%. Similarly high rates of conviction of drunken automobile drivers after the use of these tests were also obtained in some American cities.**

Chemical Breath Tests Prevent Crime

12. The indirect result of introduction of these tests in other countries has been that in a large number of cases, the accused persons realising their accuracy and the incontrovertibility of the evidence so furnished, have readily pleaded guilty. The use of breath testing devices resulted in a pronounced increase in pleas of guilty from 23 to 61%. This increase showed the utter hopelessness of denial of guilt in the light of unchallengeable credibility of the breath test testimony. Similarly, there was increase in convictions from 58 to 83%. This was because courts and juries reposed more confidence in the proof furnished by these tests than on other types of evidence. There was phenomenal fall in cases dismissed for lack of sufficient evidence; and this decrease was from 22% to none. On the whole, overall rate of convictions for driving while intoxicated went up from 55 to 93%***. Adoption of these tests will conduce to reduction of offences in the commission of which alcohol has played a part. In India, the reliance is on testimony which is not scientific, based on broad guesses in which the prosecution relies on hit-or-miss opinion. The large number of dismissals as also the convictions resulting in lenient sentence create in the minds of offenders a sense of self-complacency, giving them a feeling of security and a belief that the chances of arrest are few, of conviction still fewer, of severe penalty negligible and of jail sentence hardly any.

Breath Tests Eliminate Delays

13. The trials are disposed of expeditiously because the breath tests are immediately available in the form of tangible evidence before court.

*In Cleveland, for example, 95 per cent of the persons arrested during 1952, for driving while intoxicated, were convicted after the use of chemical tests. In 'Detroit' the percentage of convictions amounted to 99 per cent, in Los Angeles 96 per cent in Milwaukee 96 per cent, in Minneapolis 99 per cent, in Chicago-Park district 100 per cent.

**Vide Journal of the American Medical Association, April 10, 1954.

*** Ibid.

No delays occur which are the order of the day when blood samples are taken and the report of the chemical analysis is awaited. We were told in Bombay by the Deputy Director of Medical Services and the Director of Ferguson Laboratories that the number of cases in which blood reports had not been submitted to the court went upto 50,487 in the year 1963, and this figure was for five months only, *i.e.* upto 31-5-1963. We were informed that ordinarily it takes five months before the report of the chemical analyst is made available to the court, from the date the sample is taken. The principal reason stated was that the requisite technical personnel was wanting and the unit was under-staffed. The result was added harassment and endless expenses. The magistrates in different States also related that there was inordinate delay in disposal of cases because the reports of the chemical analysts had to be awaited sometimes for over a year. A quick trial and a deterrent punishment can go a long way in achieving their objective; whereas long delays and multiple hearings result not only in harassment to the accused and the witness but blunt the edge of the crime and there usually is a swing of commiseration for the accused and development of an attitude of apathy towards the offence.

Breath Tests Exonerate the Innocent

14. Not only alcometers and other similar devices cannot be deceived by chewing aromatic things which deaden the smell of the breath but they also help in clearing the innocent who, but for the scientific accuracy of such tests, might otherwise be falsely involved through causes beyond their control. The fact that a person has on his breath odour of liquor, is no indication of intoxications. Similarly, the usual indices associated with alcoholic effects are often deceptive. Uncertainty of step, slurring of speech, blurring of vision, dulling of hearing, other symptoms of muscular in-coordination, all may result from conditions in no way connected with alcoholic ingestion. The condition manifesting inability to walk along a chalk line, or to touch the tip of nose or the phenomenon of seeing double, is not exclusive to the intake of alcoholic beverages. The medical profession reports a large number of medical conditions superficially resembling intoxication, the most common being diabetic shocks, blows on the head, strokes, cerebral haemorrhages and shock. If breath tests are applied, they will clear the suspicion from the innocent and establish the guilt of the real offenders. The characteristic merit of alcometer or similar devices is that they discover and thereby eliminate cases where conviction is sought to be rested upon the extraordinary behaviour of the accused person. These tests point out whether the cause of behavioral aberration is due to the use of intoxicating beverage, or some other reason. Even in those cases where plea of guilt has been recorded because of police pressure on the accused, alcometer test will demonstrate the truth or falsehood of the confession.

One unfortunate feature of the liquor offences is that owing to their popularity and widespread use among certain sections of the community, there is experienced indifference and even hostility towards the agents of law. Either out of fear or favour, witnesses are disinclined to appear in court and make depositions against the accused person. This creates a serious lacuna in the prosecution cases of which the courts cannot but give benefit to the accused. Alcometer tests will make up the want of trustworthy oral evidence.

Proper Publicity Necessary

15. So far such tests are unknown in India. When the requisite apparatus is introduced, owing to unfamiliarity, the courts may not readily accept such tests in evidence. In order to win the acceptance by the community and the courts alike, these tests should be generally demonstrated and explained to the law enforcement officers, to the members of the bench and bar, to the public, in schools and colleges and especially, at the gatherings of automobile operators and to the members of automobile associations. The press and other news media should publicise instances where chemical tests have exonerated suspected persons and training in chemical tests should be given to a number of members of the enforcement agency.

Legal Problems Pertaining to Breath Tests

16. Certain legal problems are likely to arise and may be posed before the courts. We are briefly referring to the same. The following legal questions among others may be raised in law courts for their decision:

Question No. 1: Does the use of alcometer breath tests violate the provision of Article 20(3) of the Constitution that no person accused of any offence shall be compelled to be a witness against himself?*

This is similar to the Fifth Amendment of the Constitution of the United States of America, which provides *inter alia* "no person..... shall be compelled in any criminal case to be a witness against himself.....". In a number of cases, this matter has been considered by several courts in America and they have answered the question in the negative, holding that the Constitutional guarantee is not violated by taking a breath sample of a person suspected of drunkenness.

Question No. 2: Are analytical results made on a blood sample taken from an unconscious person admissible in evidence?

The majority of American decisions have answered the question in the affirmative. The Supreme Courts of the States of Colorado, Oregon, Idaho, California and New Mexico have answered the question in the affirmative and Iowa has said 'no'.**

Question No. 3: Where a physician draws a blood sample to be analysed for alcohol, does this violate the principle of privileged communication between patient and physician?

The courts in America have held that the evidence is admissible and the principle of privileged communication between patient and physician has not been violated.***

Question No. 4: Where the drunkometer test is forcibly performed on an unwilling subject, is the evidence admissible?

*Vide *Apodaca V. State*, 146 SW 2d. 381 (Ct. of Cr. App. Tex 1940).

***State V. Wehna*, 292 NW 148 (Supreme Cr. Iowa—1940), *People V. Haeussler*, 260 P. 2d. 434 (Dist. Ct. of App Calif 1952), *Rochin V. People of State of California* 342 US 165 (1952).

****Richter V. Hoglund*, 132 F.2d. 748 (USCA-Wis-1943), *People V. Barnes*, 98 NYS 2d. 481 (Wayne County Ct. N. Y. 1950).

The Supreme Court of Arizona has answered the question in the affirmative. The matter has not directly arisen in courts in India, but in somewhat similar circumstances, the contention that such a compulsion is violative of the Constitutional guarantees as contained in Article 20(3) has been rejected.

Question No. 5: Can a state penalise a driver for refusal to take such a test upon the request of proper authority?

In order to get over the difficulty, a law was passed in America providing that a driver who refused to take such a test would automatically have his driving licence revoked. If the law officers of the Union or the states feel any doubt, they can recommend to the states the passing of a law so that a driver should not be able to raise an objection. It will be appropriate if in the application for the grant of a licence, the signatory should be required to give his consent in writing to take such a test in case of future contingency. The driving licence should be granted subject to his consenting to take such a test when required to do so.

Question No. 6: Has the reliability of the drunkometer test been recognised by law courts?

The courts in America have treated the evidence as acceptable and admissible. We recommend that with a view to avoiding divergent decisions by courts in India, the drunkometer tests should receive statutory recognition. This protection will avoid conflict and will ensure uniform application of the drunkometer test. In a number of states it is expressly required by Statute that drivers of motor vehicles submit to scientific tests for intoxication, and in some the obtaining of a licence is deemed to be a consent in advance to such subsequent tests. Since the use of the highway by the individual is not a right but a privilege granted by the state, that privilege may be subject to the condition that the driver agrees to the use of tests to determine whether he is intoxicated.*

Other Uses

17. We have laid emphasis on drunkometer tests in relation to driving of motor vehicles. These tests can be made use of for other purposes as well, where sobriety is a statutory requirement. The different Acts which punish inebriety or which insist on a state of sobriety have been referred to in the chapter on Law and Liquor. The machines for testing alcoholic content from breath may be profitably used there. Their use need not necessarily be confined to cases requiring determination of imposition of penalty but also in order to judge the state of sobriety where it is a pre-condition for certain operations. A person before he engages in a particular activity requiring abstinence from alcoholic beverages may be accordingly tested before undertaking a particularly complicated work with a view to determining his suitability. Where a worker's job is rendered dangerous because of blood alcohol in his system, a drunkometer test taken in time may avert serious accidents. All bitterness and differences which may arise between employers and employees on the question if a particular worker is under the influence of liquor can be

Wharton's Criminal Evidence, p. 663.

avoided when there is drunkometer to resolve the dispute and to answer the question impartially and dispassionately.*

EXCURSUS

In order to enable the reader with advanced knowledge of science the principle of Alcoholometer in detail, we are giving below in this Excursus the working of the appliance in the language of Dr. Leon A. Greenberg, Assistant Professor, Applied Physiology of Yale University, who had invented this appliance. This is what he says:**

- "The purpose of the Alcoholometer, to be described hereafter is to fulfil all these conditions through replacing the skilled technician by a portable robot which collects a sample of expired air, analyzes its alcohol content under optimum conditions, and registers the result in terms of alcohol concentration in the blood. With this Alcoholometer, an operator with no more skill than that required to follow simple directions, that is, press a button and read a scale, can obtain an accurate value for the concentration of alcohol in the blood in less than 10 minutes.
2. The principle on which the Alcoholometer operates is as follows: (a) the collection of a sample of expired air without loss of alcohol through condensation of water; (b) the reaction of the alcohol with iodine pentoxide, yielding a quantitative production of free iodine; and (c) photo-electric measurement of the intensity of colour produced by the liberated iodine in a fixed volume of starch and potassium iodine solution. The subject breathes into the Alcoholometer, which automatically samples 100 cc. of the expired air. Two solenoid valves hold the air sample in a tube which is kept at a constant temperature of 45°C in order to avoid condensation of moisture. In view of the high solubility of alcohol in water this is an important feature.
 3. The entire apparatus has been built into a metal case. An automatic timing mechanism in the Alcoholometer accurately controls the proper duration of each of the essential operations as well as the proper sequence of their occurrence.
 4. The iodine pentoxide tube (Figure 12) is contained in a small reaction chamber built into the Alcoholometer which is maintained at a temperature of 140°C by an electric heater. A small vane pump blows air at a constant rate of 2 litres per minute through the first iodine pentoxide tube and sodium

*Wharton's Criminal Evidence, p. 663.

Through the courtesy of the Ministry of External Affairs, illustrated literature regarding Alcoholometers has been provided to us from Keyes Scientific Corporation, 122 Hampshire Street, Cambridge, 39, Massachusetts, Stephenson Corporation, Red Bank New Jersey, Intoximeter Association, 334 Buffalo Avenue Niagara Falls, New York, and Intoximeter Mid Western, 720 Washington, Ave., Louis I.M.D. We have also made use of some of the figures from the handbooks and folders.

** Alcohol Science and Society, New Haven, Quarterly Journal of Studies on Alcohol, pp. 51-55.

thiosulphate tube for the absorption of iodine. This process removes all traces of organic vapors which may be present. The air is then blown through the sample tube and carries with it the sample of expired air into the second iodine pentoxide tube. All of the iodine liberated here by alcohol is then bubbled through the solution of starch and potassium iodide contained in the colorimeter tube.

Figure (12)

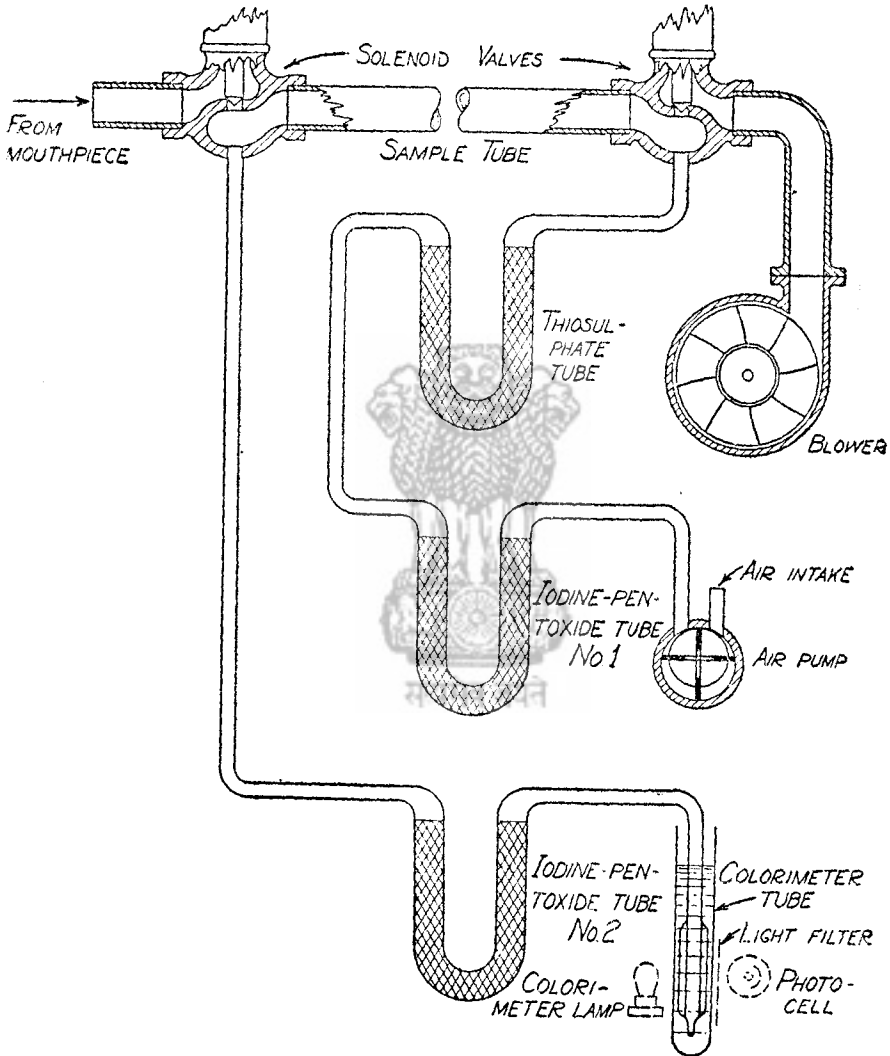


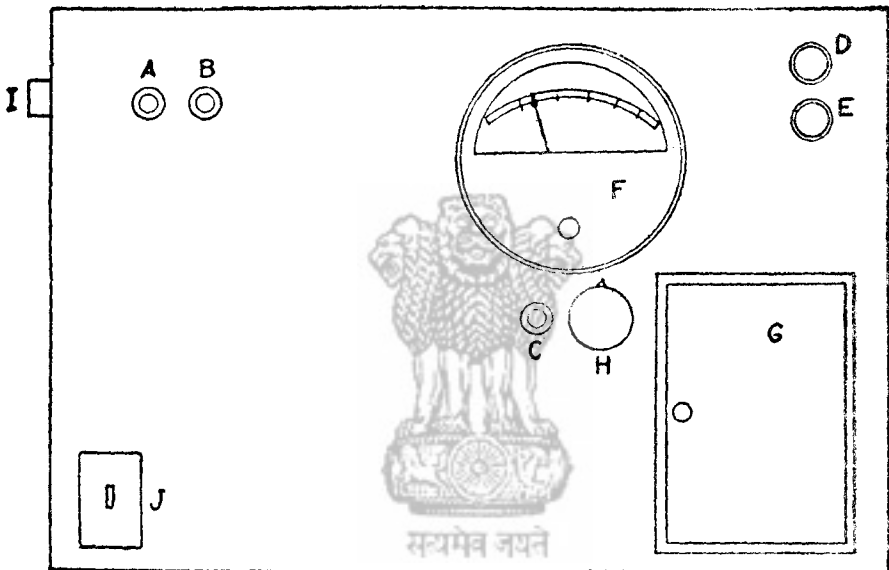
FIGURE 2

The latter is a glass tube containing 30 cc. of 0.1 per cent solution of starch and potassium iodide and is placed in a fixed position in the colorimeter. In this tube a blue colour is produced, the intensity of which is measured by means of a chemical photo-electric cell, a filtered light of fixed intensity, and a

microammeter. As the intensity of blue changes, the deflection of the meter varies. The reading of the meter then becomes a function of the amount of iodine produced which is, in turn, proportional to the concentration of alcohol in the expired air and, indirectly, in the blood. Once the iodine pentoxide tube has been standardized, that is, the amount of iodine yielded per milligram of alcohol has been determined, the microammeter can be calibrated directly in terms of milligrams of alcohol per cubic centimeter of blood.

5. On the front panel of the metal case (see Figure 13) are located all of the controls essential for the operation of the machine, as well as the meter for reading the concentration of alcohol.

Figure (13)



The machine operates entirely on 100 volts alternating current.

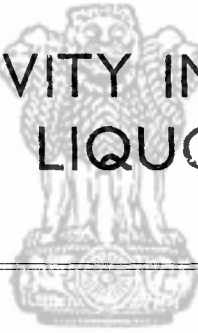
When the switch is turned on, the heaters start to function. When the temperature in the reaction chamber reaches the proper level the red signal light D goes on, and remains on as long as the temperature is maintained. Starting at room temperature it takes 8 to 10 minutes for this temperature to be reached. The starting button A will initiate the operation of the machine only if the heaters have produced the proper temperature for a correct analysis.

6. Once the action of the timing mechanism is initiated by the starting button it continues to operate by itself and in 15 seconds it turns on the pump. The first phase of the analysis is a 3 minute purging period to clean out the iodine pentoxide tubes. Since any iodine produced in this phase would invalidate the subsequent determination of alcohol, the button A will not operate so long as a colorimeter tube is in position.

7. The sample of expired air may now be taken. Slight pressure on valve button B opens the solenoid valves of the sample tube; release of the pressure closes them. With the valves opened the subject blows into the sample tube using a mouth-piece inserted at opening I. At the end of the expiration, button B is released and the valves close. A colorimeter tube must now be inserted in the colorimeter before the sample of expired air is passed through the iodine pentoxide tube. This is done by opening the colorimeter door G and inserting the tube in a cylindrical slot made to receive it. If a tube is not inserted, button A will not initiate the second phase of the analysis. Thus no error can be made in this direction.
8. The timing mechanism is again started by slight pressure on button A. In 15 seconds the pump starts and the sample of expired air is blown through the iodine pentoxide tube and then through the solution in the colorimeter tube. The pump continues for $3\frac{1}{2}$ minutes. Twenty seconds later, the colorimeter light goes on and remains on for 1 minute, during which time the meter F may be read. During this time the blower is also in operation, aerating the sample tube so that it will be ready for the next analysis. The entire analysis is now completed and the timing mechanism stops in position for the next test. If, after the test is completed, another reading of the matter is desired it may be obtained simply by pressing colorimeter button C. This turns on the colorimeter light and a reading may be made on the meter. The button C is also used for adjusting the meter to zero setting occasionally. To do this an unused colorimeter tube is inserted. The button is pressed and the needle adjusted to zero reading by means of the calibrating potentiometer knob H.
9. For the purpose of calibrating the microammeter in terms of concentration of alcohol in blood a simple procedure is followed. Various known amounts of alcohol in blood are passed through the iodine pentoxide tube and the liberated iodine is collected in the colorimeter as in the usual way. The readings of the microammeter are plotted against the amounts of alcohol used. Since the co-efficient of distribution of alcohol between blood and air is known, and the exact volume of expired air used in all analyses is constant, calculated values for concentrations of alcohol in blood may be substituted for any point on the curve."

SECTION FOUR

ILLICIT ACTIVITY IN RELATION
TO LIQUOR



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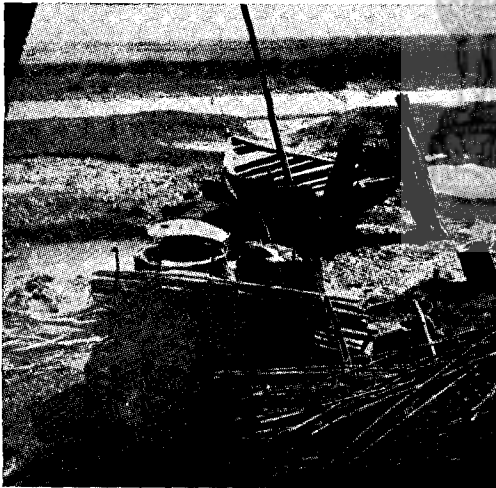
सत्यमेव जयते



Village Dhutam

Site of operation of still on the slope of a mount.

Fuel wood collected near the Bhatti on the banks of the creek. The stick in the centre shows the place from which drum of wash is dug out.



Place of operation beside the creek showing collection of fuel wood and drums. The two pools are used for hiding their drums and the water is taken out for purposes of cooling and distillation.

The site where large scale distilling goes on.



Members of task force are bringing sealed cannisters ready for transport.



Drum is dug out and inside it was found jaggedy and catalytic agents.



The liquor burns when match is applied showing high alcoholic strength.

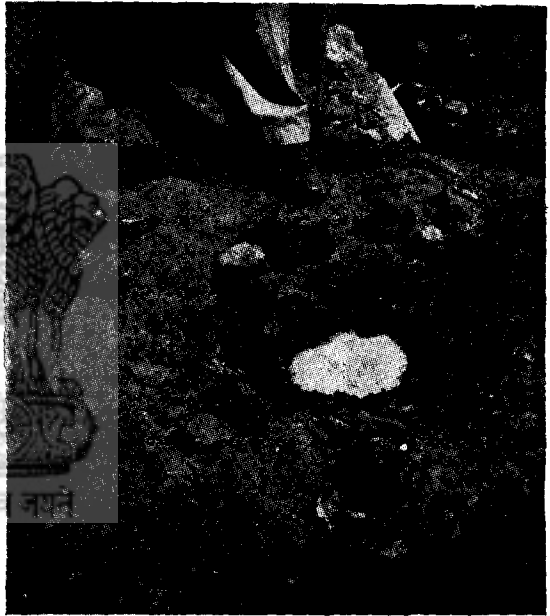




A buried drum of wash is spotted:



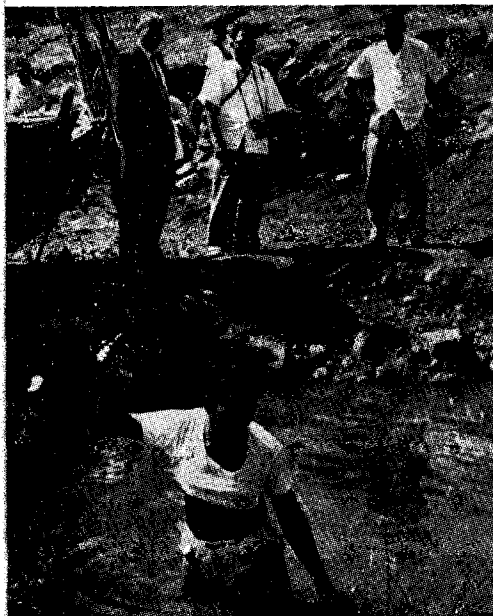
A tell-tale bubble is noticed.



The fermented wash is oozing from the drum.



Drum full of wash is taken out.



A pool hiding drums containing wash.



Site of Bhatties and of drums made unusable. The pools and the creek are visible in the distance.



Hay stacks hiding drums.



Drum taken out from under hay stack.



Site of Bhatties with fuel stacks and drums in the background.



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CHAPTER XIV

THE PROBLEM OF ILLICIT DISTILLATION AND ILLICIT TAPPING

Five Sources of Contraband Liquor

There are five main sources of illicit and misused liquor in both dry and wet states. The first two are dealt with in this chapter; the third in the chapter on Smuggling and the last two in the chapter on Misuse of Medicinal, Toilet and Other Preparations.

i. *Illicit distillation*

The first and the most important source is illicit distillation, which raises a serious problem. The cost of a still is a few rupees starting from two earthen pots and a bamboo pipe. The investment is negligible. An investment of Rs. 50/- can yield an income of about Rs. 250/-. The process is simple, the material forming the base is handy and so is the market.

ii. *Illicit tapping*

Apart from arrack, which is distilled, the largest source in the country is fermented liquor made from the saps of different kinds of palm trees, under the generic name of toddy. The trees are growing wild in millions all over in the central and southern states. Their yield is plentiful.

iii. *Smuggling*

The third source of supply is the smuggled liquor not only from foreign countries but also from the wholly or partially wet states.

iv. *Medicinal and toilet preparations*

The fourth source of supply is the medicinal and toilet preparations including allopathic and homeopathic tinctures, ayurvedic arishtas and asavas and other spirituous medicines, such as, the ear-drops and the eye-drops. Some of them as medicines are outmoded while the *bona fide* requirements for the others is a small fraction of the present output. Allied to this source of supply are the toilet preparations, the so-called eau-de-cologne, after-shave lotion and other spirituous preparations under fancy names. They contain a very high strength of alcohol and the pharmacists see to it that the quantities produced are enormous.

v. *Diversion of industrial alcohol*

The fifth source is the diversion of industrial alcohol from denatured spirit, French polish, thinners, etc. This problem is indeed baffling because the expanding growth of industry makes it imperative to have large quantities of industrial alcohol available. The denaturants admit of easy elimination and even ordinary people have discovered a simple solution for renaturing the industrial alcohol in order to make it potable.

2. Illicit distillation is going on extensively throughout the length and breadth of the country; it is a formidable challenge in the dry states and a source of vexation in wet areas. Once the problem of illicit distillation is brought under control prohibition will have a comparatively smooth passage. The broad pattern of illicit distillation is the same throughout the country but it has local variations and in this chapter we touch upon some of the principal features which we noticed during our visits to the different states.

EXTENT OF ILLICIT DISTILLATION STATE-WISE

Maharashtra

3. Maharashtra is a completely dry state. Illicit distillation was known in pre-prohibition days, but after the state went dry, the illicit distiller is no longer a competitor with the licit liquor trade but has a virtual monopoly. Though illicit distillation goes on all over the state of Maharashtra, the conditions prevailing in Greater Bombay are particularly offensive and the situation in certain localities is menacing. The illicit distiller takes full advantage of the topography. The density of population, the slum areas, the creeks and the coastal belts offer safe hide-outs to the distillers.

Notorious Areas Visited

4. A visit was paid to some of the notorious areas—Raoli camp, Matunga labour camp and to Danda village near Juhu. A good number of stills were working and the wash was kept in marshy areas closeby, under conditions indescribably filthy. This is deliberate. The more revolting the filth, the lesser will be the inclination on the part of the enforcement agents to go near it. Layers of night-soil, proximity to latrines, garbage and debris dumps are chosen shelters. Another notorious area visited was in Juhu. The wash was kept hidden in the huts and the tell-tale smell from the stills could easily guide a novice or the inexperienced to the working still. We are told that hardly the police turned its back after a successful raid, the operations start afresh, and the distillers and their associates have by experience learnt the law of averages and know that the chances of renewal of a raid soon after the first visit are remote. The pitchers and the wash that are destroyed are not costly and the monetary loss is insignificant when compared with the high profits.

Traces of Crime But Not of Criminals

There is no fear of information leaking out as the neighbours dare not squeal for fear of consequences. The place of distillation can be located without any difficulty but the police is not so successful in catching the criminal. The controlling head is rarely caught and even the operators of the still get timely warning to stay away. Thus, evidence of crime in the form of working still, wash, etc., are there undisturbed, but the criminals remain untraced and they loiter among the silent spectators who would neither volunteer a clue nor disclose the identity of the offender.

Entire Community Engaged

5. The Chairman was taken to village Dhutam in Uran taluka in Colaba District. Along the village Dhutam there is a creek along which there were rows of bhatties and firewood had been collected near

these bhatties apparently brought from some distance. Having regard to the large number of these stills and the apparatus found on the spot, the entire community seemed to be engaged in distillation. A look at the rows of bhatties was sufficient to prove that the distillation was being done on a business scale. There were buried drums full of wash and the liquor is transported in four gallon tins properly sealed. The creek besides affording a mode of transportation also supplies water for cooling and distillation. There were a number of old drums kept for this purpose.

Spot Delivery, Mud Delivery and Direct Delivery

6. The cost of distillation sharply fluctuates depending upon the place of delivery. There are three deliveries. The wholesale price for spot delivery ranges from Rs. 20 to Rs. 25 for a four gallon can. For mud delivery the price ranges from Rs. 40 to Rs. 45. By mud delivery is meant a specific spot on the sea coast where liquor is buried in the mud, and the purchaser or the middle-man digs it out from there at his own risk. Usually, the risk is inconsiderable. The third delivery is the direct delivery at the place of the middleman and the price abruptly rises from Rs. 65 to Rs. 75. These prices are for wholesale. The cost at which the bootlegger sells in retail ranges from Rs. 80 to Rs. 100, and during festival days or special occasions it goes up to Rs. 125. Some of the pictures that are reproduced will give an idea of scattered bhatties and the terrain. Anybody approaching the place can be spotted from a distance and warning signals are given. The operators beat a retreat in good time to recommence their activities soon after.

Distillation in Huts

7. Another safety measure which is adopted by the distillers is to conduct their activity in separate huts which are abandoned on hearing the approach of the enforcement staff. In the absence of any proof of ownership, there is left on the site the crude appliances which may be seized or destroyed. These areas are filthy, dingy and operations are unhygienic and if operations are carried during the night, search becomes still more difficult. We noticed pitchers buried underground in the huts. Large barrels were used for fermenting the wash and sometimes the entire floor area of an inner apartment was converted into an underground tank for storing the wash.

Municipal Latrines for Storing Wash

8. In Matunga labour camp we saw municipal latrines being used for storing of the wash. While the seizure of stills and their destruction is not so difficult, the real offenders are seldom caught and they manage to go scot-free. In Greater Bombay, 50,000 litres of wash are reported to be seized every day and destroyed and 300 cases are said to be registered in the city every day.

Employment of Lepers

9. One noticeable practice of the distillers in Bombay is the employment of lepers, particularly leper women, for transport of their liquor from one part of the town to the other. We gathered this information *inter alia* from leper women who were the inmates of Home for Correction, Byculla, and had been convicted for liquor offences. Lepers are preferred by the distillers because detection can be more successfully avoided as they

are shunned and people stay away from them. One of these convicts told us that she had been in the illicit liquor trade as a carrier for four or five years and she used to carry liquor in bicycle tubes or in rubber bags, tied round her belly. This was done in order to give an impression that she was in family way. She used to receive Rs. 3/- per trip. She and other lepers engaged in liquor traffic used to make their living by begging and their daily income was about Re. 1/- a day. The average now goes upto even Rs. 9/- a day, provided they can make three trips. There were nearly a dozen of such lepers—all drawn from Salem district of Madras. Even when there is a suspicion, because of the feelings of revulsion they are left untouched. The female convict told us that her husband also made his living as carrier of liquor.

Corruption Among Enforcement—'Hafta'

10. We also met male convicts who came from different states and had engaged themselves in distillation and allied business. We learnt from them that illicit distillation is on a very wide scale in Andheri and the policemen on the beat are regular recipients of bribes, locally called 'Hafta' ranging from Rs. 25 to Rs. 500 per month depending upon the quantity of liquor produced. Another convict from Benaras said that he used to pay Rs. 200 by way of 'Hafta' to the police and used to convey liquor in milk containers with false bottoms. There was milk on the top and liquor below. He told us that liquor used to be transported from Santa Cruz in large quantities in different forms of transport.

Yervada Jail and Lonavala

11. A visit to convicts both male and female confined in Yervada Jail in Poona disclosed a similar state of affairs, and the regular payment of 'Hafta' in order to secure protection to the distiller. In Lonavala, distillation was on a large scale and the gangs were working in co-operation with the police. The gangsters and their henchmen were known to the police and regular payment ensured unmolested distillation, but the larger the quality distilled, the higher the amount of 'Hafta' exacted. All the nine female convicts were inveigled into the business by high remuneration. One of them while engaged in this business had two children studying in a convent school and was herself a woman of some education.

Gujarat

12. Gujarat is a completely dry state. In Gujarat, illicit distillation is prevalent, but on a smaller scale. It is mostly confined to the riverine and coastal areas. Surat district is the worst affected. Liquor is prepared mostly from rotten gur and rotten dates and molasses. Smugglers are doing a thriving business because of the contiguity of the wet areas and considerable amount is being smuggled from the former Portuguese enclaves—Diu, Daman and Nagar Haveli. There are two distilleries in Daman, one in Diu and one in Nagar Haveli. Prohibition is more effective and the activities of the distillers are under control though smugglers are a great menace.

Madras

13. Madras was the first state to go dry. One of the worst affected areas from the point of view of distillation is Vairapalayam (on the bank of the Cauvery) near Erode in Coimbatore District. On the other

side of the bank is Pallipalayam in Salem District. The river is shallow and there are a number of rocky islands which are convenient haunts of illicit distillers. Any raiding party approaching from either bank can easily be noticed and the distillers can make good their escape in their bamboo boats. Illicit distillation is rife on these islands. The number of distillers along the banks of the Cauvery upto Bhawani—a distance of nine miles—is considerable though the actual quantity produced did not appear to be very large. In Salem and North Arcot districts, the hilly terrain afforded good scope for the illicit distiller. From their hideouts in the hills, the illicit distillers can keep an effective watch on any approaching police party. According to the official version, the ratio between the detected and undetected cases was 1:20. The distillers' haunts are the riverine areas and the hills.

Rajasthan

14. Rajasthan is a wet state except for Mt. Abu representing 0·2% dry area with a population of 0·3%. The problem of illicit distillation in Rajasthan presents certain peculiarities. The state was formed by the merger of a number of former princely states in which the excise laws were liberal and permitted private distillation on a large scale, especially by certain Jagirdars. In the countryside Mahua grows wild and the Mahua flower is the base for distilling liquor. Illicit distillation presents a serious problem in the state. By reason of the old practice of unrestricted private distillation, the people are not disposed to give up their former practice and often offer violent resistance to enforcement agents. There is lack of enthusiasm on the part of local population, if not ill-concealed hostility. We were told that stricter enforcement in the tribal areas may cause serious law and order problem, since among Bhils, Mahuwa is a source of food and drinking intoxicating liquors has been their way of life.

Andhra Pradesh

15. Andhra Pradesh has both wet and dry areas. The dry districts are eleven in number and the remaining nine districts are wet. The dry area in the state is 58·2% and the population is 64·7%. In the town of Hyderabad proper, which is wet, illicit distillation is notorious in Dhaulpet. The Jats and the Rajputs who were in the military services of the state since older times are now out of employment and have, therefore, taken to distilling liquor which is their main source of livelihood. The Team visited Vishakhapatnam and Vijayawada, which are notorious places for manufacture of illicit arrack. There was said to be a chain of bootleggers who have entrenched themselves and were earning tax-free money and were corrupting the enforcement agents freely. Distillation goes on in rural areas, mostly because of the inaccessibility of the terrain, inadequacy of staff and insufficiency of vehicles. Waste lands, forest areas, hill slopes and beds of streams and ravines give natural protection to the illicit distiller who could distil arrack in comparative safety.

Uttar Pradesh

16. In Uttar Pradesh, which is completely wet except for three small towns of Rishikesh, Hardwar and Vrindavan, illicit distillation goes on both in urban and rural areas. The Passi community is particularly notorious but other castes also distil. In Dehra Dun, the distillers are mostly

Gurkhas and refugees from West Punjab. The Nepalese and Tibetans who have been settled in certain parts habitually engage themselves in illicit distillation. In Eastern U.P. and Bundelkhand, Mahua flowers are used for distilling liquor as also gur and molasses.

Punjab

17. Out of 20 districts, Rohtak is the only district which is dry representing 5.7% in area and 7.0% in population. In Punjab, in sugarcane producing areas, illicit distillation is fairly extensive, particularly in rural areas. It is less so in the towns. It is carried on by individuals on a comparatively small scale. When crops fail, illicit distillation increases. The Rai Sikhs are notorious as illicit distillers. The others who engage themselves in this trade are tenant-farmers, rural labourers, Harijans and persons who are unemployed and without any alternative source of income.

West Bengal

18. Despite the fact that West Bengal is wet, tax-free illicit liquor is manufactured on an extensive scale, particularly in Calcutta and its suburbs. Though licit liquor is freely available, cases of illicit distillation are greatly on the increase. The Team visited a number of such places where illicit distillation was taking place under extremely filthy and revolting conditions. The numerous cesspools and open sewerage canals taking sullage water were the favourite places for distillation. In the cesspools, the hyacinths offered excellent cover. The enforcement agents had to wade in waist deep water in sewerage canals and sometimes had to dive in order to search for the earthen vats containing wash. Ammonium sulphate was used as a catalytic agent and the wash contained Mahua flowers and jaggery. The conditions are abhorrent in the extreme and a number of excise agents were drawn from scheduled castes as others would not enter the filthy cesspools, or rake the area under layers of excreta. The conditions in Calcutta, from the point of view of filth, would not find a parallel even in the filthiest parts of Bombay.

Illicit Distillation in Cesspools and Groves.

19. Illicit distillation was also done near tanneries in the suburbs of Calcutta. Tanning goes on on a large scale and the tanners have erected wooden platforms for curing and drying of hides. The tanning boards are kept steady and are supported by poles and stakes driven in the bed of ponds. Underneath the platform the filth and dirt resulting from the curing of skins and hides stagnate and those cesspools offer a suitable hiding place for fermented wash kept in large earthen pots. The bubbles on the surface which help to locate the wash are thus effectively hidden under the planks, which are covered by hides.

20. The Team also visited dense groves in Chandernagore area, where a large number of earthen pots were buried under dense foliage and distillation was taking place in the open. The distillers who kept their own watch made themselves scarce on the approach of the raiding party.

Lepers of Bankura

21. In Bankura district the population of lepers is considerable and the lepers for want of any other occupation engage themselves in distillation. Curiously enough, there is no dearth of customers for liquor manufactured by lepers.

Mysore

22. There are 19 districts in the state of which 16 are dry, the wet districts being Raichur, Gulbarga and Bangalore (except Ramnagaram and Channapatna tehsils). The dry area in the state is 81.1% and the population in the dry area is 76.3%. Distillation of arrack is from rotten jaggery, cashew fruit and rice. Rotten fruits are freely used because they are cheap and start fermentation early. Mahua flowers are also used in certain parts. There are a large number of palmyra trees from which toddy is extracted. Most of the distillation is done in the rural areas. The distillers have a preference for open lands or government lands, hill slopes and forests, and they maintain a good look-out. On the periphery of large towns, distillation also takes place, particularly in the area occupied by industrial workers and labourers. The actual distillation is entrusted to inconsequential persons who have no stake of their own. The real employer is usually a long distance operator who stays at a safe distance. We noticed illicit distillation on the coast near Mangalore. The drums containing wash were buried in the sand, usually in the proximity of villages. The signals by whistles warn the distillers of the approach of the police and enable them to spill the liquid in time. Fish powder was handy in destroying the smell of the wash.

Mangalore

23. In this part, drink produced from cashew fruit is popular and it is believed to have high alcoholic strength. Cashew liquor is made locally and is also brought from Goa. The palmyra sap is brought under the palm gur and neera scheme, but there is a general complaint of misuse for purposes of extracting toddy. Under the pretext of making neera or palm gur, actually toddy was being made. Even the palm gur societies were not manufacturing palm gur but were engaged in converting neera into toddy and selling it as such. The societies made only paper entries relating to manufacture of palm gur but actually did not do so.

Injurious Substances : Frogs, Lizards, Cockroaches, Dropping of Fowl, etc.

24. In Mysore we learnt of the frequent use of injurious substances in illicit distillation. Frogs, lizards, cockroaches, havarani (a lizard species with resemblance to a snake), droppings of fowl, were frequently found in the wash besides dry battery cells, copper sulphate and ammonium sulphate. It was stated that this was done deliberately in order to give strength to the brews. Shells of cashewnuts were also put in; they are corrosive and very pungent. Mice were also found in the wash, but it cannot be said with certainty whether they were drawn there by the smell or were actually put in. The fact, however, is that the wash often contains mice and lizards, etc. In Kolar Gold Fields, we were told that even putrid raw flesh is put in the wash. The people generally believed that this is done purposely and deliberately and not by negligence.

American Parallel

25. The following paragraph gives an interesting parallel in contemporary America:

"In 1961 forty million gallons of bootleg liquor were produced. According to the National Council Against Illegal Liquor, one

out of every eight gallons of liquor produced in the United States is moonshine. Moonshine flavoured with lye, paint thinner, antifreeze, dead rats, snakes, dogs, fertilizer, and swamp water is on the upsurge in the South and is spreading rapidly into the Great Plains, declared the Council".**

Fatal Poisonings

26. We were told that in September, 1962 a large number of people died overnight of poisoning as a result of drinking illicit liquor. Denatured spirit is frequently drunk after it is renatured by applying crude methods.

27. We went down one of the gold mines and met the miners. They told us that the nature of their work was such that they needed alcoholic drinks as drink relieved them of the day's fatigue.

Jammu and Kashmir

28. Prohibition has not been introduced in Jammu and Kashmir and all the 14 districts are wet.

Kashmir Province

In Kashmir Province, where the Muslim population is in majority, there is no illicit distillation.

Karghil and Leh Tehsils

The population of Ladakh is 90,000 and there are two tehsils. In Karghil tehsil, Muslims constitute 95 per cent and the rest are Buddhists. There is no drinking worth the name among the Muslims of Karghil tehsil. In Leh tehsil, the population ratio is reversed and the 95 per cent Buddhists are given to drinking. Both men and women drink. There are two types of liquors—arrack and Chhang. Arrack is distilled and Chhang is brewed from barley mixed with Phab. Fermentation is complete after three or four days and the alcoholic strength is equivalent to beer. It can be made stronger, if desired. Arrack is a spirit made from barley. The drinking among Buddhists is customary and from ancient times. Arrack drinking is confined to the habitual drinkers who feel the necessity of a highly concentrated alcoholic beverage. Chhang is believed to have some food value. There is scarcity of fuel and hence the difficulties of distillation which requires strong and continuous heating over fire. Chhang is freely mixed with 'sattu'—parched grain—and drunk as food. There are no modern media of relaxation, cinemas, etc. and Chhang is drunk in the evenings in small social groups. It is also a symbol of hospitality. Arrack is harmful. Both Chhang and arrack are home-made.

Jammu Province

29. In Jammu, there is considerable illicit distillation. Our information is that the illicit distillers are thriving near the military camps. The other peculiarity of Jammu town is that there are a number of pharmaceutical concerns which are receiving a large quota of spirit which they are utilising for making tinctures. Almost all these tinctures are being

**Listen, Nov.-Dec. '63, Vol. XVI, No. 6, p. 2.



Near Nebughola basti at Beliaghata Main Road, Calcutta: Magnum sized pitchers taken out of cess pool by the task force. They are covered by hyacinth. The still is on their right. The liquor contents of large sized pitcher weigh four maunds.



Near Nebughola basti at Beliaghata: A working still beside the hyacinth covered cess pool.



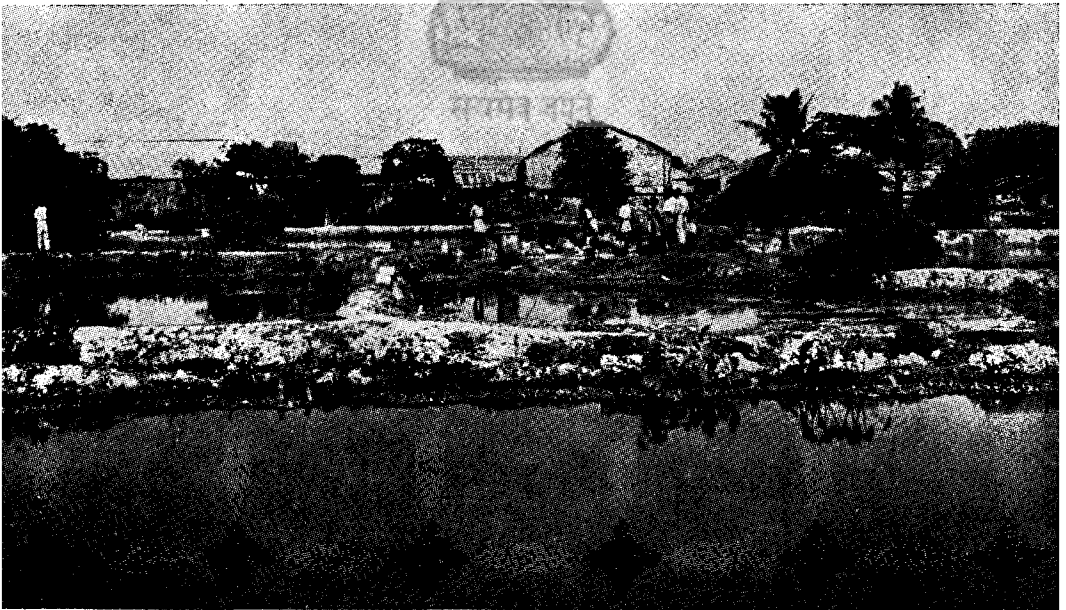
Anandpur Khilasi just outside Chandernagore: Working still in a secluded spot in a banana grove.



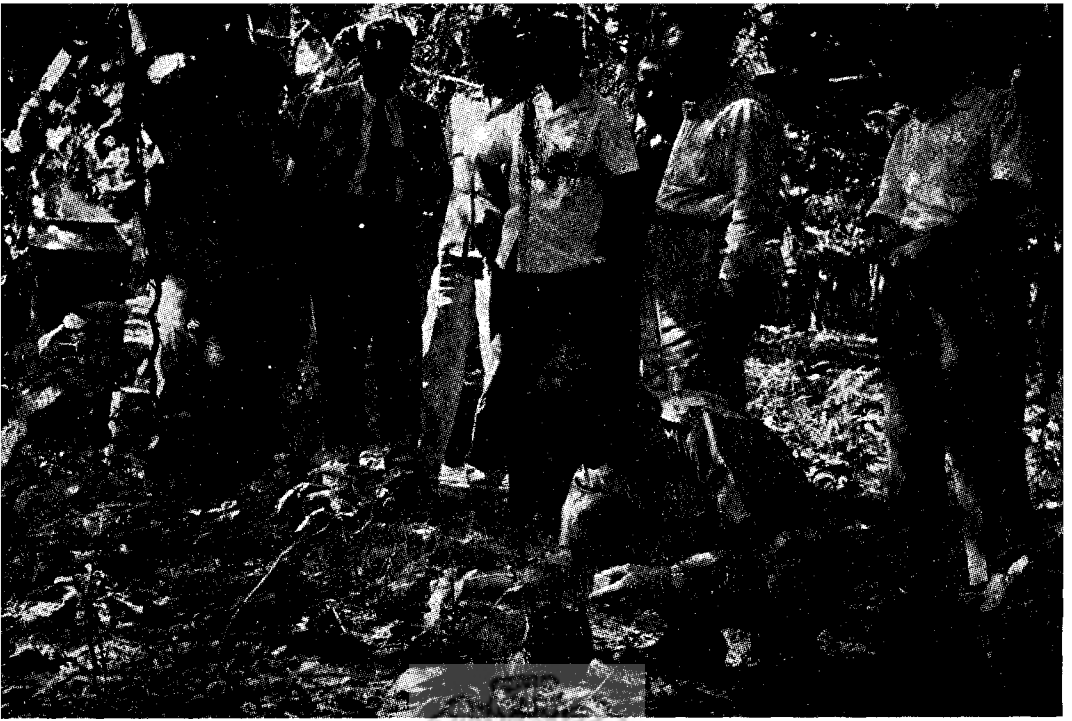
Anandpur Khilasi just outside Chandernagore: Working still. To the left liquor burns when match is applied.



Near Nebughola basti at Beliaghata: Closer view of the same still.



Near Pagladanga basti, Calcutta; The still and the magnum sized pitchers of wash beside the cess pool and the sullage water channel.



Anandpur Khilasi just outside Chandernagore: A dense bamboo grove showing bhatti.
To the left a drum of wash is being dug up.



A pot of wash buried in earth under layers of leaves in a thick grove in Chandernagore.

misused as beverages*. The entire State of Jammu and Kashmir is wet, but despite that there is extensive illicit distillation in Jammu.

Madhya Pradesh

30. In Madhya Pradesh, there are 43 districts out of which 33 are totally wet; 4 are partially dry and 6 are entirely dry. Dry districts are Khandwa, Sagar, Damoh, Narsingpur, Hoshangabad and Vidisha and the partially dry districts are Durg, Bilaspur, Raipur and Jabalpur. The dry area in Madhya Pradesh is 15·3 per cent with a population of 15·9 per cent. In Madhya Pradesh illicit distillation goes on in the wet as well as in the dry areas, both urban and rural. Though the illicit activity is spread over the whole State, the worst affected districts are Khargone, Rajgarh, Mandisor, Raisin and Balaghat. The population of the traditional drinkers, those according to whose custom drinking is not considered improper, is considerable. The tribal population in this State is approximately one-third of the total population. The enforcement has not been able to curb drinking among the tribals. The population is sparse and the difficulties of the terrain as also inadequate media of communication, make the enforcement an uphill task. The local drinks are made from Mahua flowers, rice and other grains and also from fermented juices of palmyra trees.

Supplementary Income

31. The officers assessed the percentage of drinkers among industrial workers as exceeding 50 per cent. Those who are economically weak, often resort to illicit distillation to supplement their income. These people, whose subsistence level is low, cannot be prevented from engaging themselves in illicit distillation by threats of punishment. Unless their economic condition is ameliorated, neither the rigour of law nor social pressure can avail. Illicit distillation, especially in the industrial labour colonies, has developed into an extensive business and the illicit distiller has got his organisation who help him in committing breaches of law. The bootlegger has influence with the labour union leaders and he even gets his produce sold at the restaurants.

Orissa

32. There are 13 districts in Orissa State out of which 5 districts are dry, viz. Cuttack, Balasore, Puri, Ganjam and Koraput. The remaining 8 districts are wet. The dry area in the State 43·8 per cent and the population in this area is 55·3 per cent. Illicit distillation is prevalent in the wet areas also and is on the increase. The distillers have become prosperous and the government finds it difficult to keep them under check. In the wet areas in the state, the outstill system prevails and there are no distilleries. One feature of this system is that the outstill distiller can successfully compete with the illicit distiller as the price at which he sells his drinks is fairly low.

Pachwai and Salapa

33. Illicit distillers use mostly molasses. Pachwai, a kind of rice beer, is drunk by the Adivasis. Another favourite drink is 'salapa' juice which is the sap of 'salapa' tree. Liquor is also prepared from Mahua flowers. There is considerable drinking among the industrial workers,

*For further details, see Chapter XXI.

and especially so among those who come from Adivasi areas. There is a tradition of drinking among the Advasis.

Ruffians Employed

34. Responsible government officers told the Team that after prohibition, the amount of wash that was destroyed as a result of intensive raids was very large and this seemed to indicate that drinking was on the increase. Drinking was also spreading to women and children. Illicit distillation also goes on in sandy coastal belt, particularly in Ganjam where communications are rather difficult. The distillers have their stills in open places accessible to everybody with the result that exclusive possession of any particular accused cannot be established. In towns like Cuttack, illicit liquor is stored in houses but the moment there is a suspicion of search, the liquor is destroyed and phenyl is sprinkled in order to remove traces of smell. The destruction of illicit liquor the price of which is very low does not solve the problem. It was said that even prior to prohibition illicit distillation was prevalent, but the liquor licensee had his own strong men who fought his battles for him against the illicit distiller and also aided the enforcement with information. Ruffians and unruly elements are now being employed by the illicit distiller. The roughs employed by the illicit distiller strike fear and awe in the minds of the people and are a menace to the locality.

Himachal Pradesh

35. A part of the State—14·4 per cent of the area—is dry, and the population in this area is 23·7 per cent. The distillation is usually from gur but among the upper ranges rice beer 'Lugdi' is made locally. The drinking of 'Lugdi' is traditional. A number of Tibetans who are employed in building roads drink their home-made brews without any interference from the state.

Impetus to Ancillary Industries

36. Not only illicit distillation brings untold wealth to the persons engaged in it, but they also give impetus to ancillary industries which though not illegal by themselves, yet are accessories to violations of law. The apparatus for stills and other paraphernalia is being openly sold, such as copper tubing, kettles, drums, bottle caps, rubber tubes, magnum-sized pitchers and magnum-sized bladders. One of such bladders can contain over 4 gallons of liquid and when inflated, it is as big as a big-sized pitcher and is four to five times the size of an ordinary football bladder. There is also a busy market for second-hand cycle tubes and motor tubes. Though nobody has any use for rotten jaggery, rotten dates or rotten molasses, they are being sold in large quantities. The dealers in these articles are abettors of illicit distillation and are selling their wares with the knowledge and intention of the use to which they are going to be put. This feature is not peculiar to any state but is common to all places where illicit liquor is being made and transported.

Spirit of Lawlessness Engendered

37. A successful distiller, transporter or smuggler not only violates the law but engenders contempt for it and emboldens the likeminded to disregard it, thus engendering a spirit of lawlessness. Every time the

machinery of enforcement fails or fumbles, it engenders in the minds of the law-abiding a feeling of horror and insecurity and in the minds of the law-breakers and their friends, a feeling of triumph, exultation and bravado. This puts a grievously demoralising strain on the law-abiding citizens. The Report of the Wickersham Commission, referring to the conditions prevailing in America—and they bear a fairly close resemblance to what has been happening in this country—said:

“.....the great mass of testimony is to the effect that prohibition laws, as they are enforced, are not regarded in the same light as other laws; the prevailing attitude is one of defiance, resentment or merely indifference..... A violation in itself does not involve a sense of guilt; the only shame is in getting caught and successful violation is rather a matter of boasting”.

Illicit Tapping

38. Illicit tapping, which is allied to illicit distillation, goes on in those parts of the country where coconut palmyra, date and sago palms abound. In certain states, concessions to tap neera or sweet toddy have been granted to the tappers but they have been flagrantly misused. There are also palm gur producing societies and it was reported to the Team that palm gur industry is mostly on paper and in effect, the sap is being converted into toddy and disposed of as such. These allegations were made very frequently, but the Team has not been able to check for itself their veracity. Neither the officials nor the non-officials appear to be satisfied with the way in which the cooperative societies engaged in palm gur industry were functioning. The so-called neera societies were really making toddy. The palm gur and neera schemes are being misused for want of effective control over the societies.

Causes of Illicit Distillation

39. Illicit distillation goes on in wet as well as in dry areas. In the former, the illicit distiller has a high margin of profit because of the high price of licit liquor which bears a heavy tax. The margin of profit varies from 300 to 800 per cent. This high profit can well be believed because the cost of production of illicit liquor per bottle is from 25 nP to 75 nP. The price of country liquor in certain states varies from Rs. 12/- to Rs. 16/- per bottle, viz. Himachal Pradesh and Punjab. In dry areas, there is no question of competition with the manufacturers of licit liquor.

Difficulties of the Problem

40. There are several reasons, some of which are enumerated below which help the illicit distiller and hamper the enforcement. An effective solution which can overcome this problem will furnish the key to the success of prohibition.

(i) The raw materials from which alcoholic drinks can be made are of every dry use and found in every part of the country, e.g. grains like barley and rice, saps of trees, like coconut palm, date palm, sago palm, palmyra, cashew fruit, other fruits and berries, mahua flowers, jaggery and molasses from sugar-cane and even curdled milk. These sources of supply cannot be controlled and their misuse cannot be effectively prevented.

(ii) The process of manufacturing liquor is very simple and the investment costs are negligible. In the case of toddy, all the skill that is required is to make an incision in the palm trees, and all the material that is required is a toddy pot. Nature sees to fermentation and a heady drink is readily available. The apparatus for still for making arrack need be the crudest imaginable. Two pitchers connected with a bamboo pipe will do the trick. The regular distillers use metal drums, pipes and ordinary pots.

(iii) Catalytic agents like ammonium sulphate, copper sulphate, sulphuric acid, used dry battery cells and bark of acacia are common place things. A palm tree is virtually a toddy tap in one's back garden.

(iv) Distillation takes place in riverine areas, hill slopes, jungles, coastal areas, congested areas and slums and the distiller can keep a good look-out. The regular distiller in rural areas avoids distillation in his house and prefers open places not owned by him, *e.g.* government waste lands. Detection becomes difficult.

(v) The margin of profit is so high that threat of punishment is not a deterrent especially when evasion is easy and conviction uncertain, even rare.

(vi) There is noticeable lack of enthusiasm for the cause of prohibition particularly when its espousal is fraught with a certain amount of unpopularity among people engaged in liquor business and personal danger from the gangster bootlegger. In large and congested towns, the bootlegger is a menace to the law-abiding citizen and the agents of enforcement find it very difficult to get evidence of the people living in the locality for fear of the bootleggers' vendetta and the inability of the police to extend effective protection to the informers and the witnesses. It is this fear that prevents the eye-witnesses from supporting the prosecution cases even when they are genuine.

(vii) The illicit liquor business is having its far-flung ramifications and provides not only employment but also emoluments far beyond a person's worth or fitness. Illicit distillation brings business into the hands of sellers, carriers and transporters. Carrying contraband liquor in a truck or taxi or by country-craft is rarely detected because the police cannot stop every vehicle and subject it to a close search. Illicit distillation brings illicit but highly remunerative business to the truck drivers who are known to have made Rs. 100/per trip and even more for carrying reasonable quantities of contraband liquor.

(viii) The bootlegger and the consumer are allied despite the fact that as a result of this alliance it is the consumer who ultimately is the sufferer. When there is a friendly understanding between the purchaser and the supplier, it becomes difficult for a third agency like the state to save the former. It is difficult to protect a person from himself. The supplier can always successfully pander to the self-harming propensities of his prey.

(ix) The loyalty of the employees to the employer is unshakable in so far as the bootlegger sees to it that those who are in his service are well paid, in fact, far above their deserts. If they are caught, their boss spends for their defence, pays their fines and looks after their families when they are separated by prison sentences which usually are of a very

short duration. We noticed this close bond when we talked to the prisoners convicted of liquor offences. Neither men nor women convicts would disclose the name of their boss or the 'Dada' as he is colloquially called in Maharashtra and other places.

(x) In rural areas, the entire community is engaged in illicit distillation, and nobody is interested in playing the informer's role as he shares in the collective benefit. The informers give information not so much on account of the reward but more out of enmity. Their identity, if not disclosed, is generally suspected and they have to suffer the consequences of the community's displeasure or the gangsters' revenge. Giving information of illicit distillation ultimately becomes risky and unrewarding.

(xi) The bootlegger is successfully corrupting the enforcement agency including the police, the excise staff or the prohibition staff.



CHAPTER XV

THE PROBLEM OF SMUGGLING

Smuggling

Smuggling is the illegal transportation of things into or out of a region for avoidance of payment of an impost or in violation of an absolute prohibition. Whenever the profits appear to offset the risks, smuggling raises its head. Like illicit distillation, smuggling activity is the corrupter of preventive services. The officials who are not very highly paid succumb to the temptation of securing easy money, instead of performing their duties which earn them little thanks and are often not free from personal dangers.

Smuggler Thrives on High Taxation

2. High taxation and smuggling are inter-connected. Smuggling is the illegitimate child of taxation. With high taxation, smuggler thrives. The smuggler enjoys a certain amount of popularity because he can provide the banned goods or the highly taxed goods at a reasonable price. Tariff reduction puts all smugglers out of business. In the United States, prohibition led to widespread rum-running. Rum-running was a term applied to a row of ships loaded with wine, anchored a little beyond the territorial waters along the American coastline. They supplied liquor to the boats and the smugglers landed the liquor at suitable places along the coast. Rum-running was one of the grave problems which menaced enforcement of prohibition laws. Smugglers are not unknown in our country. Smuggling of drink goes on from wet areas into dry areas within the same state and also from the wet states into the dry states. As a menace to law enforcement, smuggler may just as well be bracketed with the distiller of illicit liquor. The great asset of a smuggler is, that the sympathy of those who drink is on his side. Just as the activities of the international organisations of crime are counteracted by the International Organisation of the Police—INTERPOL (International Criminal Police Organisation), it is equally imperative that inter-state smuggling in the country should be checked not only by the police on the receiving side but also on the sending side.

Smuggling by Foreign Ships

3. Smuggling of liquor, apart from foreign countries, is also inter-state and intra-state, and it takes place by sea, land and air routes.

Goa-Daman-Diu

Before the merger of former Portuguese territories of Goa, Daman and Diu, the consignments of liquors used to be sent to these three free ports at cheap rates, and from there the smugglers used to transport them to Bombay and other places. As the demand for foreign liquor consumed by richer classes is growing, the supply line is maintained by the smugglers.

Into Bombay Harbour

4. We have been informed that there are five ways in which foreign ships and Indian ships bring foreign liquor into Bombay harbour.

(i) Before the ship enters the territorial waters as a result of previous understanding between the crew, including the Captain, and the smugglers, the transshipment takes place at a scheduled time and place. The smugglers' crafts identify themselves by a pre-arranged signal and the contraband is unloaded from the ship. The craft then proceeds to a predetermined spot on the coast. Precaution is taken to exchange signals between the persons on the coast and the craft. The stuff then is put on an awaiting vehicle and is conveyed to its destination.

(ii) Sometimes the contraband goods stay while the ship is in stream. A Boarding Officer of the Customs and Preventive Department goes on board the ship which is in stream to put a seal to the goods in bond, including foreign liquor after checking them with the list given to him by the Captain. In law, the Boarding Officer can release the liquor from bond for the crew's use. There is sometimes secret understanding between the Captain of the ship and the Boarding Officer and the liquor is conveyed from the ship in the same manner as in the first case.

(iii) When the ship is berthed, the consignment is landed and passed through the dock area.

(iv) The ship when returning, unloads the smuggled liquor outside the territorial waters and the procedure adopted in the first instance is repeated.

(v) There are licensed ship chandlers who furnish supplies to the ships, including foreign liquor. This is kept stored in the bonded warehouse in the dock area. On information being given to the Customs and Preventive Department, the Boarding Officer puts the consignment on the ship where it is kept in bond under seal. Under arrangements to which the ship's chandler, the Captain and the smuggler are a party, the liquor is removed out of the dock area. The Captain places an order with a ship chandler for four times his own requirements and what is in excess is at a later stage passed on to the smuggler. This can only be done with the active or tacit connivance of the Boarding Officer.

Topography Helps Smugglers

5. The topography of Bombay helps the smuggler. Greater Bombay has a long coastline with a number of creeks and rivulets, viz., Mahim, Danda, Mudh, Malad, Gorai, etc. There are also two main bays—the Back Bay and the Bay of Mahim, along the coastline. From the tip of Colaba in the South to Mulund on the extreme wing, there is a distance of 20 miles and along the coastline there are marshy places like Bhandup, Ghatkopar, Trombay, Mahul, Sewree and others. The marshy and boggy grounds of the small islands, the rivulets and brooks covered with bushes and thorny shrubs are the haunts of the smuggler and the area of his operation.

Fisher-folk Outmanoeuvre Police Crafts

6. The Kolies and Agaries, who are fishermen by avocation, are experienced bottleggers and smugglers and the natural environment and their knowledge of the place is fully exploited by the anti-social elements.

These people have acquired skill and proficiency which help them in evading chase or search. Some of them have their own boats plying between Greater Bombay and places like Daman and Goa. It is in their crafts that the ships unload their contraband. They have their own signal code with their men on the coast as also with the incoming ships. There are shallow waters and isolated spots good for storing the contraband. The trucks have their own camouflage and the contraband is tactfully concealed under vegetables, fruit baskets or dry fish. The incentive of high profits induces them to take risks. Thus, sea-faring smugglers, even when the approaching police launch is in a position to overtake them, tie their liquor bottles in gunny bags, put them into the fishing nets and drop them in the sea from their crafts. Later on, they salvage them. The police have not the same knowledge of the coastal contour and the shallow waters are dangerous, for their launches. If the police crafts were smaller, lighter and faster and those who man them were given better training in manoeuvring the launches, they could give a better account of themselves as against the more adept fisherfolk.

Smuggling on the Hooghly

7. Smuggling from the ships takes place along the 40 mile stretch of the Hooghly river from the open sea to Calcutta harbour. The incoming ships unload their contents of contraband stuff in the country crafts which quickly transfer them at strategic points into the waiting trucks. Another method adopted is that on the outward voyage, a shipper who has taken on board the ship-stores including spirituous beverages, delivers a part to the country crafts. This smuggling is not confined to spirituous beverages.

Smuggling by Air

8. Foreign liquor and IMFL is booked by air from cities like Delhi and Calcutta in the names of fictitious firms. The parcel which is labelled as medicine or spare parts of light machinery is taken delivery of at Bombay and is rarely opened. Even when the parcel is seized, the fictitious address of the consignee cannot lead to the apprehension of any person. The smuggled liquor is also carried in the personal baggage of the inland passenger; as it is not subject to check by the Customs the risk of search is negligible. We are informed that some among the airlines personnel are in the smuggling racket.

Smuggling by Railway

9. Transport by railways is cheap and convenient and the parcels of contraband from wet areas are booked in the name of fictitious addressees, and the goods are taken delivery of on the production of invoice to the luggage clerk. The identities of the consignor and the consignee are not usually ascertainable.

The travellers in upper class compartments have also been found carrying contraband liquor. Postal parcels are also used by the smugglers and they can successfully manage to evade the vigil.

Smuggling by Road

10. In a large town like Bombay, a long line of speeding vehicles, trucks, vans, taxis, private cars keep streaming in and out of the city.

Without previous information, it is not possible to stop and search even a fraction of such vehicles at any one of the four check-posts at Mulund, Mahim, Sion and the Duncan Barrier at the Eastern Express Highway. The stoppage immediately results in a heavy traffic jam subjecting the bona-fide road users to harassment and delay.

The vehicles in which contraband is carried have concealed receptacles and concealed compartments in petrol tanks and other secret chambers, sometimes in the top of the motor vehicles. Their detection, particularly when they are moving during rush hours, is a baffling problem.

Smuggling from Bhutan

11. A considerable amount of smuggling is across our land borders. About 1860, there was an agreement between the British Government and the Bhutan Government that the latter's stills and liquor shops should be located beyond a ten mile belt along the border and for this, the Bhutan Government used to receive a subsidy of Rupees one lakh per annum. This presented some difficulty to the smuggler, as he had to get across ten miles of forbidden area before entering Indian territory. This arrangement was revoked in 1954 and the Bhutan stills have since then started operating right on the border, so much so that there are as many as 16 places from which liquor is being smuggled into West Bengal. There is also a large population of workers in the tea gardens who cross the border to consume the alcoholic beverage on the Bhutan side or bring it back from there as it is very cheap. There are quite a number of distilleries in Bhutan.

Sikkim Border

12. On the Sikkim border, the distillery is just across the rivulet which separates West Bengal from Sikkim, and liquor can always be drunk on that side and also brought into West Bengal. The check-post is no doubt there, but the smuggler need traverse a short distance either upstream or downstream and then bring the contraband liquor into West Bengal. The whisky prepared in the Sikkim distillery sells at Rs. 6-50 per bottle as against Rs. 25.00 of IMFL whisky. The cherry brandy made in Sikkim is of better quality and is also cheaper and is in great demand inside our border.

Nepal

13. On the Nepal side of the border, there is considerable distillation of millet whisky which has a high alcoholic strength and this is another source for smuggling into West Bengal.

Former Portuguese Possessions

14. The four distilleries—two in Daman, one in Diu and one in Nagar Haveli, manufacture country liquor called red wine. The quantity produced is far in excess of the requirements of the local people. This liquor finds its way to the contiguous areas of Gujarat and also to other nearby places.

Pondicherry and Karaikal

15. The sale of liquor in Pondicherry and Karaikal in the former French possessions, has gone up by 300%. All this is not local consump-

tion, but a good portion is smuggled into the dry State of Madras. In Pondicherry and Karaikal, there are as many as 74 liquor and 118 toddy shops. Their custom could not be confined to the local people.

Foreign clubs and Associations

16. There are a number of foreign clubs and foreign associations of businessmen whose supply of foreign liquor is far in excess of their requirements and a substantial portion flows into the blackmarket from that source.

Abuse of Liquor Supplies in Army Canteens: Resale of liquor from armed forces canteen fetches handsome profits.

17. A phenomenon worth noting is the abuse of liquor from canteens of the armed forces. Commissioned Officers as well as non-commissioned personnel in the army, navy and the air force are allowed a specified quota depending upon their rank and upon the total availability of liquor. We give in Statement 1 the quota at army canteen stores permitted to different ranks of personnel. These quotas, of course, are subject to variations depending upon the total availability of liquor. Limits are prescribed not only for each period but also on stocks which can be kept at any moment of time. It is an open secret that these quotas which are generally lifted to the full extent are not used always by the recipients themselves but are sold outside. Given below in Table 1 are the prices of liquors of different varieties in an armed forces canteen together with the prevailing civilian prices in 1963 in retail shops in a dry area (for purchase against a permit). It will be seen that even if army canteen liquor were sold at civilian retail price, profit per bottle would be 72 per cent in the case of imported whisky, 95 per cent on imported brandy, 60 per

TABLE I

	Price in Army Canteen Stores (Rs. per bottle)	Price in Retail Wine shop (Rs. per bottle)	Profit margin if army liquor were sold at retail price (per cent excess of col. 3 over col. 2)
1	2	3	4
Imported Whisky	43	74	72.1
Imported Brandy	42	82	95.2
Indian-made Whisky	25	40	60.0
Indian-made Rum	8.5	30	253.0
Indian-made Gin	17.5	32	82.8
Indian-made Beer.	2.8	4.5	69.4

cent on Indian made whisky, 253 per cent on Indian made rum, 83 per cent on Indian made gin and 69 per cent in the case of Indian made beer. Profit margins thus range between 60 per cent and 253 per cent over cost of procurement; and leaving out the abnormally high figures,

between 60 and 100 per cent, even on the assumption of sales at the ordinary civilian retail market prices. In fact, however, it is well-known that if liquor is sold, it is sold not at retail prices in the controlled market but at blackmarket prices so that the real rates of profit can be taken to be much more than the range suggested by these figures.¹

STATEMENT I

The following is the maximum quantity of spirits, wines, beers etc. in quart bottles which Armed Forces personnel are permitted to keep in their possession at any one time. The actual quantities which an individual is allowed to draw each month is regulated according to the *scale in force* from time to time and is always subject to availability. The current scale or monthly quota is shown in brackets.

Entitled personnel	Whisky, Brandy, Gin, and Rum (bottles)	Wines (bottles)	Beer and Cider (bottles)
1	2	3	4
Officers	3	2	15
British Other Rights	3	2	15
Junior Commissioned Officers and equivalents	1 (except Whisky)	..	6
Chief Petty Officers/Petty Officers Navy			
Senior Non-Commissioned Officers IAF			
Other Ranks	1 (Rum)	..	..
<i>Limits for Senior Officers</i>			
Lieutenant-Generals	8	2	48
Major Generals	6	2	48
Brigadiers & equivalents & PSOs and NGQ and Air HQ	4	2	48

Monthly monetary limits for the purchase of liquor/beer from canteens which shall be uniform throughout the services, for officers of the rank of Commander and below the sailors, are as follows :

Officers	Rs. p.m.
Commanders	150
Lieutenant Commanders	100
Lieutenants and below sailors	35
Chief Petty Officers	40
Petty Officers	30

Monthly monetary limits for the purchase of liquor in respect of Leading rates and below will be fixed by the respective Administrative Authorities concerned.

¹The black-market price of Scotch Whisky in Bombay City at the time of writing (January 1964) is said to be Rs. 100 per quart bottle.

CHAPTER XVI

BOOTLEGGING AND GANGSTERISM

Dadas Wield Power

1. Illicit distillation has not only brought in its wake tax-free alcoholic beverages containing harmful substances undermining the health of the drinkers, but has introduced gangsterism which is threatening the peace and quiet of the law-abiding. Bootlegging and gangsterism go hand in hand in congested localities in large towns. The gangster leaders, known as 'Dadas' in Maharashtra have acquired considerable wealth, power and influence in their locality and people live in dread of them. They strike terror and also threaten life, limb, property of the people and even honour of the women-folk. They are having their own territorial zones in which they rule supreme. Any opposition to them brings dire revenge. The law-abiding citizens prefer to turn a blind eye to their operations and they put up with the nuisance rather than lodge information with the police. The threats of violent assaults and even killings are often carried out against the informers. Although the entire locality and even the police know all about the gangsters operating in a locality, but they never find independent and reliable evidence which should be sufficient to ensure their conviction. Honest and fearless police officers are known to have been stabbed while endeavouring to discharge their duty; if the raiding party is small, the ruffians occasionally beat them up. In these conditions, police is powerless to protect the victims of gangster terrorism. The 'Dada' is acquiring power, prestige, and in a few cases, even political pull.

Dadas Seldom Caught

2. We visited a number of jails in different States but not in a single one of them, could we meet a gangster bootlegger. Our enquiries from the high police officers invariably elicited the information that the 'Dada' is a long distance operator and he cannot be brought within the coils of law. It seems that the arm of law is not long enough or strong enough to lay the 'Dada' by the heel. The members of the community to whom he offers employment stand by him through thick and thin and would never disclose his name or identity. We could see this for ourselves when the most outspoken of prisoners would decline to disclose the name of their employer, whether the convicts were men or women. This code of honour was rigidly observed and his men would never squeal or turn informers. He commands unquestioned loyalty and obedience, worthy of a better cause. The principal reason is that the distiller is a benefactor of those who are down and out. His gangster methods and his benefactions secure for him safety and loyalty. In his sphere of influence, respect for law and order has disappeared and it is considered a matter of pride or bravado to defy the law. This outcome is understandable where gangster can successfully raise his head and thumb his nose at the enforcement.

A feature common to our country and America has been almost the total absence of a record of arrest or prosecution for violation of the liquor law of those who control the organised crime.

Dadas' Other Activities

3. Illicit distillation is not the only antisocial activity of the bootlegger. He engages himself in other profitable antisocial occupations, e.g. brothels, gambling, harbouring all sorts of criminals, including pick-pockets and thieves. He has a number of goondas and hooligans at his beck and call ready to carry out his wishes howsoever dangerous, dishonest or otherwise abhorrent. He has got large number of men engaged in different branches of his activities looking after manufacture, transportation, sale and bribing. His dangerous potentialities apart from his power and wealth give protection to him and this is one reason why co-operation from the public is not forthcoming.

Dadas Influence During Elections

4. As a result of enrichment of contraband business in liquor, the under-world interests have acquired status. They now seek participation in politics and make their influence felt through their funds. Their own militia of gangsters also influences elections by over-awing the voters. We were informed in different States that the gangster has also started wielding a certain amount of political influence as he commands a large number of votes, and his influence is sought during elections. This obviously is not a one-way traffic and the help he gives he expects in return. In consideration of his services, he gets protection from the politically influential. He himself fights elections of Taluka Boards or Panchayats and thus occupies a position of vantage which enables him to spread his tentacles further in the political field and the weight of his power and influence is often made to bear upon lower officials. At a number of places, our attention was drawn to the growing political influence of the 'Dada'. This earns for him considerable immunity from harassment and a free hand in his business. Some of the bootleggers have acquired respectability and prestige as they are being received in higher social and political circles because of their wealth. They are also free with monetary help for various benevolent causes and thus become popular. They are also known to contribute generously to funds of political parties, which brings them good dividends in the form of greater protection and prestige. In certain parts, we were told that he is playing a fairly leading role in engaging himself in prohibition propaganda. This may very well be as he thrives more when he has the monopoly of distillation.

Bootlegger in Wet States

5. The menace of the bootlegger gangster is not confined to the States which have declared prohibition. Even in wet States, bootlegging is a very profitable business. The high liquor tax policy of the States has the direct effect of giving rise to a class of bootlegging racketeers. In wet areas, he is making large profits by selling his untaxed liquor. The wet States are disinclined to forgo the rich source of revenue through sale of liquor and prefer to put up with the bootlegger endeavouring to keep him under check by means of toothless excise laws.

Abettors of Gangsters

6. Bootlegging has become a remunerative criminal activity which defies control through ethical inhibitions. Public opinion is lacking and cannot exert sufficient pressure. Gangsterism is thriving because in many quarters,

violation of prohibition law is being regarded as respectable and smart. For every bootlegger who supplies the liquor, there are dozens of the so-called respectable citizens who are on the receiving end and wink at the infraction of law. As customers they are in conspiracy as abettors. The bane of secularism in a materialistic age is that the acquisitive urge is whetted and the temptation to make wealth through means which are unethical becomes hard to resist. It is in this atmosphere that the bootlegger and gangster criminal acquires a social ascendancy and the notorious ones can succeed in establishing an underground empire founded on crime and wealth.

At Capone's Logic

7. "Scarface" Alphonse Capone had a tremendous underground empire and his earnings out of crime were astronomical. He controlled bootlegging in four States of America with a gross income from illicit liquor alone of \$6 million per week. He flourished because there were thousands of respectable people who evaded the law and purchased his illicit liquor. They as patrons enabled organised crime to flourish by conniving at breaches of law. The attitude and reaction of bootlegger, whether in this country or elsewhere, may be translated in the following classical expression by Al Capone :

"I make my money by supplying a public demand. If I break the law, my customers who number hundreds of the best people in Chicago, are as guilty as I am. The only difference between us is that I sell and they buy. Everybody calls me a racketeer. I call myself a businessman. When I sell liquor, it's bootlegging. When my patrons serve it on a silver tray at Lake Shore Drive, it's hospitality".*

Colosimo's Funeral

Colosimo was another gangster who had his own under-world empire. On his death, "Colosimo's funeral was the first of the ornate burials which became common in gangland during the 1920s and which helped focus attention upon the unholy alliances between politicians and criminals. The honorary pallbearers included three judges, an assistant State's Attorney, a member of Congress, a State representative, and 9 aldermen, all assembled to do honor to the great pander and marching in close companionship with the most notorious thugs and hoodlums in Chicago".**

Torio's Boast

Torio, another notorious gangster had no fear of the police and often said: "I own the police"; and events proved that this was no idle boast. Asbury referring to the statement of Mayor William E. Dever made to the Congressional Committee, in which he said that at least 60% of the Chicago police were in liquor business and they often rode liquor trucks as guards.

*Quoted by Andrew Sinclair in 'Prohibition: The Era of Excess', p. 240, and by Dobyns in 'The Amazing Story of Repeal', p. 255.

**The Great Illusion, Asbury, p. 294.

Our Big Towns

8. There are manifestations of the growth of large-scale wealth-producing criminal activity in some of our big towns, especially Bombay, Delhi, Calcutta and Hyderabad. This rampant lawlessness has a tendency to increase by leaps and bounds and is productive of an atmosphere surcharged with contempt for law.

Wickersham Commission

9. The Wickersham Commission in 1931 alluded to similar conditions prevailing in America during the prohibition era and observed:

“A violation (of the Prohibition law) in itself does not involve a sense of guilt; the only shame is in getting caught; and successful violation is rather a matter of boasting... the great mass of testimony is to the effect that the Prohibition laws as they are enforced are not regarded in the same light as other laws. The prevailing attitude is one of defiance, resentment or merely indifference.... Fear of punishment does not act as a deterrent to manufacture for home use or to engage in the traffic... Usually, wife and children help in it, and frequently it is the wife or a widowed mother who is the entrepreneur... A story is told of a woman whose neighbours took up a contribution when her husband died to buy her a still and set her up in business.”*

Some of these conditions bear almost a family resemblance and the women convicts—some of them widowed mothers—took to illicit distillation with a view to keep the wolf from the door, but later on adopted it as a lucrative side or main business.

The Wickersham Commission referring to the college students animadverted to “an attitude of hostility to or contempt for the law on the part of those who are not unlikely to be leaders in the next generation”.

Justic Clerke

10. Justice John H. Clerke of the Supreme Court, while addressing the Alumni of the New York University Law School in 1923, said—

“Respect not only for that law, but for all laws has been put to an unprecedented and demoralising strain in our country, the end of which it is difficult to see”.

Victims or Patrons

11. When a wealth-producing criminal activity is freely indulged in without the law being able to restrain it, there is prone to be engendered a spirit of lawlessness and not only a particular provision becomes the object of derision, but all law. The patrons of the bootlegger who are extensive in number neither think that he is a criminal nor that they are his victims.

*Quoted in the Concise Encyclopaedia of Crime and Criminals, edited by Sir Harold Scott, former Chief of Scotland Yard, p. 273.

CHAPTER XVII

RACKETEERING GRAFT AND CORRUPTION

Racketeering

Racketeering is an activity for profit by organised crime engaged in easy way of making money in drugs, liquor or other forbidden trade. The racketeer engages in a business which meets the demand of a section of the public and makes available goods or services which the law bans, such as, prostitution, gambling, illicit drugs or liquor. Racketeering depends for its success on close alliance between the racketeers and the seemingly respectable who wield influence and have political pull. The real people behind the scenes engage themselves in operation while remaining at a safe distance and behind many covers. This is certainly true of illicit liquor business in all its varying facets.

Sop to the Watch Dog

2. If there were a vigilant public opinion and vigorous enforcement, the trafficker in moonshine liquor could be contained. With public apathy, politicians' indifference, reformers' inertia, and police corruption, the racketeer finds himself in clover. The attitude of cynicism has plagued the public as much as the police. Organised crime and corrupt law enforcement are twin menaces and the crusade against them has to be continuous and persistent. The racketeer knows that he can flourish only if he succeeds in the neutralisation of law enforcement. Out of his huge profits he diverts a good portion for purposes of subversion. His philosophy is that it is safer by far to throw sop to the watchdog than to try sneak past him by trickery. He also knows that social status confers prestige and protection. Contributions made to political funds or for election campaigns strengthen his power, increase his influence and give him political protection and enable him to be held in awe, if not in esteem, by the agents of the enforcement.

The Elusive Dadas

3. The ill-paid staff can easily be tempted by lure of money. Organised crime which thrives on vice can well afford to be generous towards those who are not well off. The only service required of them is to turn a blind eye; and as compared to the reward, the service rendered is by no means exacting, difficult or dangerous. Thus, defenders of law become its violators. The monetary temptations which the racketeers offer are sumptuous and, therefore, alluring. The racketeer is willing to pay any price as the prosperity and perpetuation of his business depends upon the freedom which enforcement may give him to violate the law. Bootlegging and gangsterism cannot survive without the close cooperation of the police, the politicians or the prohibition agent. Criminal gangs cannot operate without the positive or negative support from the police or the excise officials. At several places, responsible enforcement officials admitted before us their inability to control or catch the top bootleggers. We could accept the explanation with the proverbial pinch of salt.

Fidelity Undermined

4. It is no use complaining of inadequate equipment or of insufficient force so long as it is amenable to corrupt influence. There is no denying the fact that the enforcement does not possess sufficient mobility for want of vehicles and because of their small number, they must be adequately equipped to cope with modern racketeering and gangsterism. But if a sizeable number is beset with corruption or cannot resist pressure, no matter how well organised the force may be, it will continue to be ineffective. Whenever law enforcement is lax, the conclusion in majority of cases is irresistible that their allegiance has been alienated and they are receiving a price for their remissness. A studious effort was made to impress us with the figures of mounting prosecutions for prohibition offences. On applying the probe we discovered that the seeming spiral served only a statistical purpose. But nowhere were the real distillers, the bootleggers or the racketeers engaged in large-scale contraband business ever prosecuted or convicted. Not a single case was brought to our notice where a real Dada was ever found among the convicts. In every jail we visited we were keen to find if among the convict population for liquor offences there were any bootleggers, and invariably we were told that they were not the inmates of the jails.

Laws are Cobwebs

5. Swift must be having a similar situation in mind when he said: "Laws use like cobwebs which may catch small flies, but let wasps and hornets break-through".

Anacharis, a Scythian sage (600 B.C.) equally felt that "laws are just like spiders' webs; the small and the feeble may be caught and entangled in them but the rich and mighty pierce through and despise them". The staggering fact is that once defenders of the law are brought over by the law breakers, the bootleggers are free to prey upon their victims.

Juvenal must be having in view a similar situation when he remarked *quis oustodiet custodes ipses?* Who is to keep watch over the watchmen themselves?

One Weakness Leads to Another

6. Once an inroad has been successfully made into the integrity of an enforcement official, the door is open wide for other crimes as well. The failure of law enforcement officials to suppress particular crimes also adversely affects their responsibilities in other fields. If money can buy immunity to the bootlegger, the gangster who specialises in other criminal activities can also do likewise. Those who are ineffective in suppressing gambling operations or prohibition offences cannot become efficient instruments of justice when required to suppress other crimes, heinous or petty. "If money or political influence will fix a gambling case, it will also fix a case involving more heinous offences. The creeping paralysis of law enforcement which results from a failure to enforce gambling laws, therefore, contributes to a breakdown in connection with other fields of crime. It is axiomatic in the under-world that once a public official allows a case to be fixed, thereafter the under-world owns him".*

* Criminology by Vedder Koenig and Clarke—page 387.

There was hardly a State visited by us where we were not told of corruption prevailing among the agents of enforcement.

Disclosures by Prisoners

7. Distillers and smugglers have plenty of money to buy protection for their illegal activities. Interesting facts of corruption were mentioned to us in a free and uninhibited talk with the prisoners in different jails. A prisoner in Poona jail admitted paying Rs. 250/- per month. He also said that everyone in the business—be he a manufacturer or a seller—must pay 'Hafta' and if the regular payment is delayed, he is not spared and is prosecuted. A second convict told us that he was paying Rs. 200/- as 'Hafta' and lately, the 'Hafta' rates had been increased. He further said that had it not been for 'Hafta', it would not be possible for the manufacturers to stay in the business. Delayed payment of 'Hafta' results in withholding of information regarding an on-coming raid in which event, the distillers are surprised and arrested. He also said that the wholesaler purchaser or the distiller has also got to pay a regular 'Hafta'. The output of some of the stills is as much as 108 bottles for 24 hours. The man who pays regular 'Hafta' enjoys full protection. The criminal prosecutions are in those cases in which information is conveyed to the outside police by a rival manufacturer. Usually, the large-scale manufacturers have a mutual agreement regarding the sales and do not poach on one another's preserves.

Crimes Connived At

8. The gangs of distillers work in co-operation with the police and prohibition offences cannot be committed without the connivance of the police. A convict in Ahmedabad jail told us that his average output was 20 bottles per day and his total expenses on account of bribes payable to the police came to Rs. 500/- a month. The average sale per bottle was Rs. 10/-. At this rate, the bribes are nearly 10%. From a purely business point of view, payment of Rs. 500/- per month is not exorbitant as it enables him to effect sales of Rs. 6000/-.

Thus, it is patent that prohibition is being stabbed in the back by those who are paid to enforce it.

Haftas end Mamuls

9. The story of the prisoners both male and female, in Yervada Prison, Poona, was no different. They, however, said that in Lonavala, there are 100 illicit distillers out of whom 14 are large-scale manufacturers producing as many as 324 bottles per day. A taxi driver who was undergoing a term of imprisonment said that as a driver, he was earning Rs. 5/- to Rs. 8/- per day, but he was supplementing his income by transporting contraband liquor and each trip brought him Rs. 50/-. The 'Hafta' is paid by the bootlegger and till now his taxi was not checked. The nine women prisoners said that they were engaged in distillation in out-of-the-way places and had not paid 'Hafta'. One of them had been in the illegal liquor trade for 15 years. Another woman who had been carrying liquor business for the last four years was undergoing her sixth term of imprisonment. One reason why the sentences do not deter is the disproportionately high returns which no other business offers. In some cases, bootlegging is a side business supplementing wages while engaged in some legitimate work. In Andhra Pradesh and in other Southern States, bribes are euphemistically called 'Mamuls'.

The Consenting Scape-goats

10. This aspect has assumed another form. As a result of mutual agreement between the bootlegger and the police, all types of cases are put in court as a proof of police vigilance and activity. The offences can be pre-selected—whether of transportation, possession or even of illicit distillation, but the accused are men of straw. They are the consenting scape-goats and stooges who are produced as accused person and at the bidding of their employer, they would either plead guilty or contest the charge. In the latter case, all the expenses of conducting defence, the fees of the counsel both in the trial court and the court of appeal or revision, are borne by the boss, who also pays the fine and looks after the family if the accused is awarded a prison sentence. As some of the accused are the human flotsam and jetsam, they do not mind a prison sentence which invariably in all cases is of short duration and apart from incarceration, their emoluments not only do not suffer but increase.

Unswerving Fidelity to the Boss

11. There is no dearth of sacrificial goats who will not like to earn a little money by rendering such services at the bidding of the boss. A characteristic feature is their unswerving allegiance to their employer, whose identity they, under no circumstances, would disclose. Very often, they may not know him at all and the fixing might have been done by the agent.

The All Satisfying Farce

12. The statistics of the court cases disclose a very large percentage in which the accused confess. This farce appears to satisfy everybody. The 'Dada' carries on his game; the police can give an ostensible proof of the good work done as also of their vigilance; the accused on pleading guilty gets away with a light sentence; the fine is paid for and during the period of his incarceration in jail—where living conditions are far better than those he has been used to—he does not suffer financially but rather gets a rise in his wages; the courts' disposal is accelerated. Generally, the cases are uncontested and farcical homage to the law and the procedure is paid. The performance of the departments is statistically satisfying and theoretically commendable. The myopic in the Administration and outside are self-complacent, the sanctimonious are pleased with the convictions and the rest are indifferent and do not seem bothered. The thirst for spirits is slaked, the men in the racket are making bumper harvest; those who are down and out are making a comfortable living and the consumers whose health is being undermined or whose slender economic resources are being dried up are the consenting parties. They have neither the sense nor the inclination to know whether their urge is being satiated with the witches' brew containing rotten jaggery, rotten fruit, putrid flesh, cockroaches, lizards, rats or frogs, or the much sought after sedation is produced by admixture of chloral hydrate. The only persons who are noticeably unhappy and whose misery increases are the women and children who are voiceless and mute.

The Revolving Door

13. So far as prison sentences are concerned, the jail sentence becomes a revolving door. The same set of convicts go in and after a brief sojourn,

they come out. We have come across several convicts who have had several previous convictions. A leper in Bankura admitted to us that for illicit distillation, he had been convicted ten or twelve times, but he could not exactly remember how often. He brought out from his hut his apparatus for illicit distillation which was the means of his livelihood. A woman in Kolar Gold Fields had 20 previous convictions. The whole thing had become for them a game of hide and seek. The distiller is having a busy time and the consumer neither bargains nor bothers to know whether the liquor that he has been purchasing has been for days concealed under layers of excrement or had laid buried in cesspool of sullage water channels or has been made from a wash to which have been added poisonous and putrid substances. The consumer apparently is unconcerned whether the liquor has been produced with leprous hands.

This revealing account of illicit distillation rests in the main on our personal observations, further reinforced by what was stated to us by officials and non-officials whose factual information we had no reason to doubt. Liquorbased corruption enters different fields but it is unnecessary to go into the minutiae.

Bootleggers' Patrons are Accessories

14. The bootlegger is even trying to become a respected member of the "society" and his patrons defend him and protect him. If the bootlegger is pushing his way up in society by bribery and graft, no less heinous is the contribution of those who purchase bootleg liquor. Without them, the bootlegger cannot thrive and they, as assessories and abettors of the illegal business, cannot escape censure. It is the purchaser who creates the demand and supplies funds for the criminal business and it is with his money that the bootleggers and the corrupt among the public officials are being fattened and it is he who makes a substantial contribution to defiance of law.

Large Profit Unaffected by Light Sentences

15. The discouraging feature of the bootleg business is that it is productive of enormous profits and the bootlegger can well afford to lavishly spend money for corrupting the public officials and other influential persons and can induce a large section of the community to assist him in violating the laws, for his benefit. Huge profits and small penalties not only clog the courts but allow those engaged in the racket to mock at the prosecutions and sneer at the machinery of law. The fines, the court costs, the lawyers' fees are merely small charges on the expense side of the ledger. The real distillers can successfully keep away from the dock or the jails and the hired substitutes are always available to satisfy the requirement of the enforcement.

Drinkers Cannot Enforce Dry Laws

16. When the task of enforcement of prohibition laws is entrusted to those who are themselves given to drinking, the results are bound to be discouraging. Enquiries revealed that most enforcement agents were themselves given to spirituous drinks. Such persons can hardly be expected to enforce the law. When wets are put in charge of enforcing the dry law, it is like asking liquor to keep liquor out. The raids become

Bacchanalian orgies for the raiding parties and the members of the enforcement who had gone to keep the place dry, themselves return soaking wet. This was brought to our notice in different parts of the country. The complaints brought to us were, that those who formed the force, because of their own habits, were disinclined to enforce the dry laws. When public officials are corrupt or inefficient, the public indignation is inclined to run against the law and sometimes against the policy underlying it. It is a truism that excellent laws can become revengeful instruments of tyranny if the men to enforce them are inept and venal. We think that several factors are retarding the progress of prohibition in the dry areas—they are rising wealth of the bootlegger, the venality of the enforcement, weakness of the politician, the onslaught of the press deriding the drys and espousing the wet cause, the over-reaching of law by certain interests, and above all, public apathy.

Graft in Dry and Wet States

17. Illegal traffic in liquor either through manufacture of contraband liquor or by smuggling could not flourish but for the protection it is getting through graft. Its corrupting influence is staggering and one fear is that this protection may lead to protection for other crimes which no section of society would consider venial. These crimes thrive when the public attitude is that of tolerance towards the acquisition of riches by means which are criminal or anti-social. This alliance between wealth producing anti-social activities of the under-world of crime, and the ill-paid enforcement agency, is not confined to the dry areas but is a menace to the revenue in the wet states as well.

Lessons from America

18. An interesting parallel from what happened in America will be found in the following passage from "The Amazing Story of Repeal" by Dobyns. He says:

"Men who had been pariahs, shabbily dressed, working by stealth and gaining a dangerous and precarious living, became the possessors of imperial revenue, associated with millionaires and society people, gave orders to police and other officials, became allies of political bosses, lived in sumptuous homes, drove high-powered cars and appeared in full evening dress at the opera". (p.316)

A similar account is given by Herbert Asbury (The Great Illusion), when he said:

"A grand jury investigation in Philadelphia disclosed a liquor conspiracy in which about ninety-five police officers, in addition to several city officials, were involved. Evidence presented to the grand jury showed that Maxie Hoff, known in Philadelphia as "king of the bootleggers" had a corruption pay roll of three thousand dollars a week, most of which went to important officers of the police department. The lower ranks were taken care of by a similar fund to which bootleggers and speak-easy operators contributed, and by a third into which moonshine distillers paid considerable sums. Salaries of police inspectors were from three thousand dollars to four thousand

dollars a year, and police captains were paid from twentyfive hundred dollars to three thousand dollars. On this modest pay, however, many had done well. One inspector had \$ 193,533.22 in his bank account, another had \$ 102,829.45, and a third had \$ 40,412.75. One police captain had accumulated a nest egg of \$ 133,845.86, and nine had bank accounts ranging from \$14,607.44 to \$68,905.89." (p. 185).

He also said:

"...On salaries averaging less than three thousand dollars a year, prohibition agents bought country homes, town houses, city and suburban real estate, speedboats, expensive automobiles, furs, and jewellery for their women, and fine horses; many reported for work in chauffeur-driven cars. 'I don't know of anyone', said the superintendent of the New Jersey Anti-Saloon League, 'who can make a dollar go further than policemen and dry agents. By frugality, after a year in the service, they acquire automobiles and diamonds'. These prosperous agents were seldom asked by their superior officers to explain the sources of their sudden wealth, perhaps because so many of the Prohibition Bureau's high-ranking officials were themselves taking advantage of the opportunity to lay up treasure and provide for their old age."

We are having a replica of what is described in the above passages. Though the proportions are not so large, they have all the dangerous potentialities. The menace of bootlegging business is that it is highly lucrative and it is this feature which enables it to flout the law and contaminate the enforcement.

A Warning

19. What happened in a far distant country more than four decades ago may not seem relevant when discussing what is happening in India. But these few lurid and horrifying glimpses of the turn-coat administration there, contain a warning of what might happen here. The conditions, howsoever deplorable in our large towns, are by no means as appalling as they were in the United States in 1920s. But what happened in a wealthy country can also occur in a country where comparatively the price for corrupting an official is much less and the hunger for wealth is irresistible. In order to meet the menace of a wealth producing crime, the resources and the ingenuity of the administration have to bear a heavy strain. If the anti-social elements can be curbed and illegal liquor can be contained, no price can be too high and no expense should be grudged.

CHAPTER XVIII

IMPACT OF DRINKING BY THE WORLD OF FASHION AND OFFICIALS

Convivial Drinking

Social drinking is imitative. We have elsewhere alluded to four types of drinking, *viz.* misery drinking, industrial drinking, occupational drinking and convivial drinking. In this chapter, we are more concerned with the last type. Convivial drinking is resorted to not under distress or because of assumed occupational hazards or to allay fatigue but for mere jollification, in order to secure artificially a sense of vitality which one does not possess innately. There are three classes who usually resort to convivial drinking the sophisticated, the government officials, and the youth, teenagers and others.

Attitude of the Smart Set

2. The wealthier classes are prone to be egocentric and self-conceited. They tend to over-estimate their capacity and one is not far wrong to say that they generally suffer from the elephantiasis of ego. What is needed is the pricking of the balloon of their ego in order to deflate them. It is their attitude of pompous arrogance which overawes the impressionable. The so-called smart set consisting of men of wealth, pleasure and leisure have a notion, that "it is smart to be devilish", and unfortunately among the youth who imitate their example, infection spreads more readily. It is little realised, that intellectually, the sophisticated are rather shallow, and their impish impudence can be effectively countered by showing them up as feeble-minded, effete, pleasureseekers. Where, however, they score over the rest is the superior status which society confers upon them by reason of their wealth. The problem of the young people is that if a new-fangled idea enters their head, they recklessly pursue it without stopping for a minute to think of the consequences. The attitude of "here-today, gone-tomorrow" or of "let's-have-fun-while-we-can", towards life makes them an easy prey to whatever fancy or caprice may lead them to; their emphasis is on distinction even if that ultimately results in extinction. They hanker after what their set considers as an epitome of smartness or prestige. They surround bottle with glamour, adventure, daring and fashion. To them it is a beaconlight beckoning them to a dazzling doom. With increased emphasis on secularism, what has become important is success, power, prestige, security and pleasure; than clean though frugal living, decorous deportment, reverential behaviour and ethical seemliness. An attitude which confers status on success without integrity, on imitation of those who have access to the good things of life, though not necessarily to good life, poses a problem which transcends the horizon of prohibition.

It is not so much what they do unto themselves; what matters is that they are laying down norms of sophistication which are readily accepted by the younger people.

The Drinking Youth

3. There is a certain amount of drinking of alcoholic beverages among the deluded and sophisticated young men particularly from families where parents drink. As they come from rich families, they are looked up to as setting the tone or fashion. These young men drink more with a view to imitate their elders than to flout them. The number of young men given to drinking is more in public schools; and we were told at Dehra Dun, that this is because drinking is common among their teachers who are given to western ways of life. So long as drinking is a symbol of fashion, the upper strata as also the gilded youth will be drawn to it. They will stop drinking the moment drink is dethroned from the high pedestal of prestige. It has to be made unfashionable. The bottle must lose caste. Youth can be prevented from drinking by psycho-therapy and also by bringing to him the necessary information and factual data regarding the harmful effects of alcohol. Youth is essentially a heroworshipper, whether the hero is a rake, a roue, a popular actor on the stage or screen, an international sportsman or a national celebrity. So long as liquor is received as a badge of *beau monde*, or treated as a sign of prosperity, it will tempt younger people and lead them astray. Alcohol may become a youth problem as it is in the Western countries. There, it is generally said that the first peg of whisky is never purchased. In many cases, the youth follow the footprints of their parents, elders, seniors or their heroes in the matter of drinking.

Drinking as a Symbol of Status

4. One danger, the effect of which cannot be minimised, is the rising social acceptance of alcoholic beverages as a symbol of status and as a norm of hospitality. Family, community or group drinking was mostly confined to the lower strata of society, i.e. the scheduled castes and tribes, and a person given to drinking from among the upper strata was looked down upon as one who had debased himself, and such a man was apt to be socially ostracised. That is almost past history now. Drinking now is bidding fair to become a prosperity symbol. Unless the bottle is dethroned from its high social pedestal and drinking is eschewed by upper social strata, the bad example set by the affluent and the influential will be readily followed by those who look up to them as models. It is the so-called best people who are setting the worst examples. If the upper classes look upon drinking as an accepted way of their life, apart from such harm that it does to them, they lay down social standards which others readily take up with easy conscience*. Society drinking is far more contagious because the wealthy people take and offer drink not to forget their troubles but as a mark of their prosperity and social well-being. The financially well-off assume towards drinking an attitude of blase indifference. They are sated with dissipation, worn out with pleasure and take to drinking as an easy way of killing time and in order to prop up their egos.

The Society Teen-agers

5. As parents, they do not mind letting their teen-age children have an occasional sip. More often than not, the youngsters learn how to help themselves on the sly from the family's liquor cabinet. The youngsters

* For whatever a great man does, that very thing other men also do, whatever standard he sets up, the generality of men follow the same.

यद्यदाचरति श्रेष्ठस्तत्तदेवेतरो जनः ।

स यत्प्रमाणं कुरुते लोकस्तदनुवर्तते ॥

feel that if their friends know that they drink, they would enjoy their envy and have a sense of grandeur. Most teen-age drinking is attributable to lax parental chaperonage. In their own smart set, the youngsters consider it a disgrace to decline an alcoholic drink and are always afraid of falling in the esteem of their clique. The young man dare not resist the social pressure of his group lest he be considered a 'chicken' or a 'sissy'. The young society considers drinking a mark of masculinity and to refuse alcohol a sign of effeminacy. They are disdainful of consequences, obsessed with anxiety to "conform" or to be considered "regular". Among young people, drinking is especially environmental and social in nature, and the group psychology is the main influencing factor. They feel that they can overcome shyness and social restraint by drinking and this will further strengthen the claim to be treated as fully grown-up of the group. Their social setting governs the norms. Parents of such children may not realise that through their own weakness, there is a declining respect for them and increasing revolt against their authority. Parents who themselves are not in a position to set a good example must find it very hard to enforce discipline. This is particularly true of the sophisticated upper social strata. Parents cannot successfully maintain double standards, that is, of gay abandon for themselves and sobriety for their children. The youngsters are strongly influenced by the conviviality of their elders. If the latter have conferred social status on drink and have made it the standard of hospitality, the younger generation will like to tread in their steps. The drink is thus a perverse symbol in the social set-up of the fashionable, the sophisticated and their hangers-on.

Drinking by the Officials

6. A high status is conferred on liquor also by the officers of the government. They occupy a position of power and influence and in this country, they are being looked up to not only by the youngsters who some day hope to occupy their position but also by the fond parents who raise their children cherishing the hopes of their being fitted in the governmental machinery. If the officers drink—and a goodly number of them do—it is *a la mode*. If they drink, drinking becomes docorous and in order to cut a figure in their society, the others must also drink. They set artificial values to drinking and their pattern becomes a standard for imitation. In certain states, it is unthinkable to extend hospitality even to a block development officer and omit drinks. It is undeniable that the government officers as a class do set standards and if a cross-section were taken, it will be found that there is considerable drinking among them from top to bottom. It is not so much the industrial drinker or the tribal tippler or the misery drinker, the alcoholic, the slum dweller or the *habitué* of low-class boozing hovels who contaminate the society so much. Their evil potential, though not negligible, is circumscribed. But the example set by the government officials is followed. If there is any single factor which stands effectively in the way of the success of prohibition, it is the drinking officer.

Official Approach Lukewarm

7. Government servants in our society enjoy in their respective spheres the social position which is often denied to others, or is shared only by a

few. Occupying a position of vantage, they influence the action, the conduct and the standards of a large number of those who look up to them as a model. Half the battle for the prohibition will be won if the government servants could stand fast by the dry cause. Prohibition can be enforced successfully only by those who have an absolute conviction in the ideology and who would not tolerate defeatism and have an abiding faith and determination in accomplishing the task assigned. Those officials alone can enforce the prohibition law who are convinced of the wisdom of the policy and have translated their belief in their actions and conduct. If, on the other hand, prohibition department is to be serviced by the wets, defiance of law would be a foregone conclusion. The greatest difficulty which is encountered by prohibition is the reluctance of the wet agents of administration who by their actions, if not by their profession, promote, protect and even perpetuate drinking.

Wets in Government Wrecked the Eighteenth Amendment

8. One of the reasons of the repeal of the Eighteenth Amendment in the United States of America was that its enforcement was in the hands of confirmed wets. How can you enforce a dry law through an agency manned by wets? Enforcement of prohibition is not free from difficulty. But when there is lax will at the top or want of enthusiasm in the enforcement agency, the results are bound to be puerile and ineffective. The Eighteenth Amendment was, in fact, wrecked and scuttled by the people in the government who by the oath of their office had sworn to uphold the Constitution. But they gnawed and nibbled at the very roots of prohibition and sabotaged it. In the wet states, there is a noticeable tendency among the officers to raise insurmountable hurdles—some specious, others genuine—in order to postpone the advent of prohibition. In the dry states, the attitude of the government servants is luke-warm and apathetic. The supine and indifferent approach lacking in resoluteness, conspicuous by the absence of conviction and enthusiasm, is creating impediments in implementation.

Possible Remedy

9. We cannot suggest a ready remedy. It should not be difficult for the governments to find out the total abstainers among their servants. The work of prohibition has to be entrusted to those who are teetotallers by conviction. We also think that government servants' conduct rules should contain provisions against drinking. So far as the present incumbents are concerned, they may be allowed to drink on permits only. In the case of new entrants, abstention from drinking should be one of the conditions of service. The permit-holders among government servants, should not drink or serve drinks in public. They may indulge if they must only in seclusion. This will have the effect of containing the contagion. We do not think this will work any hardship either for the drinkers on permits or for the new entrants who will be joining the government service with the knowledge that drinking and government service do not go together; they have the choice and once they join the service, they have to abide by it. It is assumed that at the young age at which they are entering government service, they have not started drinking. If some have done so, they could not have acquired any habit. If they have acquired the habit, then they have to choose some other avocation. President Grant went much further. He said, "Give me the sober man, the absolute teetotaler every time. He is dependable. If I had the greatest appointive powers in the country, no man would get even the smallest appointment from me unless he showed proof of his absolute teetotalism".

Public Men and Social Workers

10. What applies to Government servants, equally holds good in the case of public men and political leaders. Because of their influence and power, whatever example they may set is apt to be copied. It is true that noble examples do stir people up but the ignoble ones are not without followers. Better sermons have been preached with one's life than with one's lips. That is why successful people are emulated, whether they happen to be social celebrities, social leaders or social workers. The cause of prohibition has suffered at the hands of some of them directly by their example and at the hands of others by their apathy.

Diefenbaker Sets Example

11. The example of John Diefenbaker, Canada's quondam Prime Minister, carries a lesson. He is proud of the fact that he is an abstainer and does not lose an opportunity of making it known. He has set a style for official entertaining by omitting alcoholic beverages altogether. At his so-called "cocktail party", his guests were served coffee and cakes. Although dry receptions were unheard of in official and diplomatic circles in Canada, the Diefenbakers did not hesitate to set up a new pattern. On the visit of Queen Elizabeth to Montreal, he entertained 2,000 persons, the elite of his country, in a hotel which prided itself on its "fine wines". At this time, no cocktails were served but only orange juice was the beverage and the event was acclaimed as a smashing success. At none of his functions, spirituous liquors were served. It is his personal conviction that alcoholic beverages do not add to charm, gaiety or liveliness of social functions. Neither the official high life nor the national prestige has suffered because of the absence of the so-called fashionable "thirst". Cocktail party is not an adjunct to diplomacy. According to Diefenbaker, cocktails are a "hazard" and an "extra handicap" in international relations.

Deglamorise the Bottle

12. The votaries of Bacchus among the fashionable, have cast a delusive spell of glorification over the bottle. Those who are interested in prohibition have to see to the deglamorisation of alcoholic beverages before they can be banished; otherwise, the 'best people' would persist in setting the worst example. The world of the officials and of the fashionable rich is setting an example which is creating hurdles in the way of the success of the prohibition programme. A hypocritical approach to prohibition, lip sympathy and lethargic approach, strengthen the hostile elements and give them a handle to criticise the work of the prohibitionists. If there were strong public opinion and pronounced governmental disapprobation, the inclinations of the fashionable upper strata and the influential official world could have been curbed and contained.

CHAPTER XIX

DIVERSION AND MISUSE OF DUTY-FREE IMPORTED LIQUOR INTENDED FOR EMBASSIES AND MISSIONS IN INDIA

The Privilege of Duty-free Liquor

The privileges and immunities enjoyed by the diplomatic missions in India and its members include the import of liquor duty-free or the supply of duty-free imported liquor. These privileges have also been extended to members of the Ford Foundation, Agency for International Development, U.N.E.S.C.O., U.N.I.C.E.F., W.H.O. and E.C.A.F.E. There is neither any restriction on the quantity which the embassies or the diplomatic personnel can import nor is any intimation required to be given in case of such imports to the local Excise/Prohibition authorities prior to acquisition of stock or thereafter except in the case of authorities at our ports. This liquor is thus not subject to levy of either custom duty or other taxes and fees generally leviable either by the Centre or the State. The Excise/Prohibition restrictions regarding possession and transport which are applicable to every Indian citizen are not made applicable to diplomatic missions/personnel.

Modes of Supply

2. Diplomatic personnel/embassies generally obtain their supplies of imported liquor (i) by direct import from overseas; (ii) by import from port towns such as Bombay, Calcutta; and (iii) by taking issues from the local private custom bonds.

Any diplomatic mission or personnel can directly place orders for foreign liquor with any foreign concern and he can bring the goods into Indian territory after presenting an exemption certificate before clearing the goods through the custom authorities. Such certificates in the past used to be signed by almost all the privileged persons. Now for sometime past all such certificates are countersigned by the heads of the diplomatic mission. So far as Maharashtra and West Bengal states are concerned, if the imported liquor is meant for consumption in these states, then a pass from the local excise authority is also obtained so as to permit its movement from the custom port to the destination.

Practice Prevailing in Delhi

3. So far as imports meant for consumption in Delhi are concerned, once the goods are cleared through custom ports with the help of exemption certificate they are brought to Delhi without any further restriction. In Delhi, imported liquor is also procured by placing orders with the private licencees owing bonded warehouses. The goods are imported by the licencees on the basis of their import quota and they are released to the missions duty-free only on presentation of an order together with the exemption certificate signed by the diplomat or the personnel of the mission and the Bill of Entry granted by the custom authorities. In practice, the delivery of the imported liquor is generally not taken by the privileged person himself but by someone else on his behalf such as an employee of

the mission. In some cases, the licensed bond holders also make their own arrangement to deliver the goods through their agents/employees.

Diversion and Illegal Profits

4. There is no guarantee that the entire goods, intended for the missions or the privileged persons, in fact reach them. They are often diverted while in transit. The diversion of duty-free imported liquor into unauthorised channels is by no means inconsequential. We cannot help observing that imports of some embassies/missions must be much in excess of their genuine requirements for consumption or entertainment, for otherwise, such large quantities of their liquor would not be available in the market or to those who have contacts. Absence of any duties, taxes or fees make the cost of such imported liquor much lower than even that of Indian made foreign liquor. The lower price of duty-free imported liquor offers an irresistible temptation for its clandestine diversion for sale in the market. Relaxation of restrictions regarding import, transport and possession of such liquor enables some persons who are in the advantageous position to import duty-free liquor in excess of genuine requirements to allow a portion of such duty-free liquor to flow into the market; and thereby enormous illegal profits are being made.

Modus-operandi

The liquor imported by the embassies finds its way to a consumer through the direct agency of a licensee on its release from the bonded warehouse, or, through contact-men or employees of the embassies after it reaches the embassy premises. Chances of pilferage of such liquor through or by menial staff working in the embassy also exist. Direct diversion after release of goods from the bonded warehouse involves less risk and results in a good bargain both to the licensee and the importer. The importer of duty-free liquor either pays no money or pays only nominal price for whatever liquor he actually lifts because the licensee is more than adequately reimbursed by allowing him to sell the remaining quantity of liquor meant for embassy use in the black market. Reports of such clandestine sale of embassy liquor are current and even allowing for possible exaggeration there is a substratum of truth in them. Since such liquor is passed on to known and trusted customers for their own use, it is difficult to gather facts and figures indicating the extent of this evil. We do not entertain any doubt as to the prevalence of this malpractice.

Quantities Consumed

6. We are attaching a statement showing quantities of spirits cleared by the diplomatic missions and diplomats for their official/personal use during 1963. We have not been able to obtain so far the statistics for the previous years. We are informed that the data given in the statement has been compiled from the available records and the possibility of slight variations cannot be ruled out. It will be an act of presumptuousness to suggest what should be their exact requirements. The embassies and diplomats are better judges of the quantities they actually need.

Suggestions

7. We have given sufficient thought to this matter. It is a very serious and at the same time a delicate issue and we do not wish to cause any embarrassment to government. We feel, however, that the following suggestions, if implemented, may probably help arrest the misuse of the liquor

supplied to embassies without impinging in the least on the immunities and privileges of the diplomatic missions or interfering with the convenience or the prerogatives of international organisations receiving preferential treatment.

- (i) The government may appeal to all the foreign mission explaining that while it is not the intention to impose any restriction on the use of liquor by the mission or their staff, they should assist in restricting import to the absolute minimum necessary.
- (ii) A suitable procedure for signing/countersigning the exemption certificate by the head of the mission or any official specially authorised by him may be introduced.
- (iii) The goods may be cleared or delivery taken by some embassy official against the authority issued by the head of the diplomatic mission or the diplomatic officer authorised in this behalf.
- (iv) Intimation of the receipt of the goods in the embassy premises or by diplomatic officer for his personal consumption may be sent immediately on the receipt to the local excise authority.
- (v) The stock of liquor of the mission may be kept under the charge of some responsible officer.
- (vi) The head of diplomatic missions may request the individual diplomats not to order supply of duty-free liquor more than the genuine requirements.
- (vii) The liquor supplied to missions and other privileged organisations should be contained in distinctive containers or bottles with specially embossed or marked labels: possession of such liquor or such containers by a person who is not authorised to import this liquor to be an offence. The burden of proof should be on the accused to show how he acquired such liquor.
- (viii) Payment of all such liquor may be by official cheques signed either by the head of the mission or by one of its senior officials duly authorised.

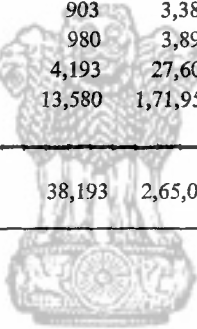
Statement showing quantities of spirits, liquors, etc., cleared by various diplomatic missions and diplomats for their official personal use during 1963.

(In Quarts)

Name of the Mission	Official Use			Personal Use		
	Spirits	Wines and Liquors	Beer	Spirits	Wines and Liquors	Beer
1	2	3	4	5	6	7
AFGHANISTAN .	815	20	528	1,990	930	2,350
ARGENTINA .	279	194	192	220	157	696
AUSTRALIA .	..	24	..	1,940	1,578	8,882

	1	2	3	4	5	6	7
AUSTRIA . . .	767	257	1,258	414	1,021	1,536	
BELGIUM . . .	174	153	444	759	601	2,500	
BOLIVIA . . .	870	219	376	42	66	..	
BRAZIL . . .	338	83	480	42	98	..	
BULGARIA . . .	702	12	672	294	109	664	
BURMA . . .	126	..	..	582	647	660	
CAMBODIA . . .	279	94	204	266	208	264	
CANADA . . .	2,312	1,629	7,084	995	766	1,852	
CEYLON . . .	1,099	413	2,088	258	99	360	
CHILE . . .	174	129	192	77	42	..	
CHINA . . .	240	..	..	Nil	Nil	Nil	
COLOMBIA . . .	667	41	..	40	31	..	
CUBA . . .	122	136	384	11	13	76	
CZECHOSLOVAKIA	3,782	1,079	2,719	2,052	678	2,556	
DENMARK . . .	69	90	336	371	625	2,816	
ETHIOPIA . . .	336	51	312	376	228	292	
FINLAND . . .	69	66	177	262	160	604	
GHANA . . .	2,358	..	3,991	..	120	960	
GREECE . . .	18	54	48	36	36	204	
GERMANY (D.R.) .	..	12	368	1,348	776	6,688	
HUNGARY . . .	2,600	1,623	1,487	618	391	576	
HOLY-SEE . . .	72	449	336	Nil	Nil	Nil	
INDONESIA . . .	520	69	720	899	737	1,142	
IRAN . . .	245	66	612	1,573	447	540	
IRAQ . . .	49	17	538	853	125	1,037	
ISRAEL . . .	..	12	..	23	43	24	
ITALY . . .	1,205	2,366	5,448	60	437	240	
JAPAN . . .	1,392	551	4,320	2,230	212	1,008	
JORDAN . . .	237	99	908	122	13	216	
KUWAIT . . .	Nil	Nil	Nil	504	72	312	
LAOS . . .	1,876	469	480	1,158	165	276	
LEBANON . . .	540	85	185	450	94	204	
MALAYSIA . . .	1,274	93	288	2,393	56	800	
MEXICO . . .	287	236	288	387	261	462	
MONGOLIA . . .	228	329	336	93	134	278	
MOROCCO . . .	354	72	178	338	100	708	
NEPAL . . .	1,391	287	1,824	1,414	230	1,740	
NIGERIA . . .	852	363	638	408	108	380	
NETHERLAND . .	274	108	72	1,495	638	2,939	
NEWZEALAND . .	489	507	855	433	456	1,650	
NORWAY . . .	..	..	105	609	240	1,100	
PERU . . .	50	27	..	66	36	204	
PAKISTAN . . .	782	215	288	2,272	1,415	2,080	
PHILLIPINES . .	204	54	96	60	60	48	
POLAND . . .	1,643	939	771	714	925	336	
RUMANIA . . .	2,120	507	1,608	1,543	243	1,850	

1	2	3	4	5	6	7
SAUDI-ARABIA	..	24	..	Nil	Nil	Nil
SPAIN . . .	12	4	12	534	294	888
SUDAN . . .	446	108	504	372	168	996
SWEEDEN . . .	276	305	360	1,173	607	276
SWITZERLAND . . .	1,206	315	756	986	605	4,004
SYRIA . . .	141	33	240	558	66	483
TANGANYIKA . . .	534	72	912	12	..	..
THAILAND . . .	342	12	168	3,028	771	2,634
TURKEY . . .	177	45	48	193	291	174
U.A.R. . . .	1,072	46	255	1,499	109	1,854
SOUTH KOREA . . .	180	6	520	399	24	243
NORTH KOREA . . .	312	42	912	..	24	672
YUGOSLAVIA . . .	2,733	983	6,938	758	157	240
S. VIET NAM . . .	936	114	408	204	..	216
FRANCE . . .	842	2,129	1,978	2,823	3,523	6,765
VENEZUELA . . .	Nil	Nil	Nil	..	69	48
GERMANY(FR) . . .	1,099	903	3,384	6,160	3,003	17,933
U.S.S.R. . . .	3,252	980	3,891	5,876	2,842	5,868
U.K.	1,152	4,193	27,601	3,567	1,986	8,444
U.S.A.	22,783	13,580	1,71,954	8,680	2,282	14,873
GRAND TOTAL . . .	70,675	38,193	2,65,075	69,912	33,448	1,22,721



सत्यमेव जयते

CHAPTER XX

THE PROBLEM OF TODDY AND NEERA

Four Types of Palm Trees

There are at least four types of palm trees, the sap of which is used as an intoxicating beverage. They are the palmyra (*Borassus flabelliformis*), the date-palm (*Phoenix sylvestris*), the coconut palm (*Cocos nucifera*) and the sago palm (*Caryota urens*). Strictly speaking, toddy is the fermented sap of palmyra or "tad"; sendhi indicates the fermented juice of date palm and madi of coconut palm. There are other names in different localities. "Toddy" throughout this Report is used in the generic sense for the sap extracted after giving an incision to any one of these four kinds of palms. The sap when fresh is called neera and is non-alcoholic but fermentation starts after a few hours if the pot in which it is collected is clean and lime-washed; otherwise, fermentation starts sooner. The use of toddy as an alcoholic beverage dates from times immemorial.* The technique is fairly simple. The tapper climbs the tree in the evening and cuts an incision and ties the toddy pot. The sap trickles into it and is brought down in the morning next day. If taken fresh, it is a sweet, palatable non-intoxicating drink. If the necessary precautions are taken, it stays fresh upto early afternoon and fermentation definitely sets after 2 p.m. It is then toddy.

Neera and Toddy

2. Toddy trees grow abundantly and wild in the states of Andhra Pradesh, Madras, Mysore, Kerala, Maharashtra and Orissa. Their numbers run into tens of millions. The tapping of neera, the sweet sap from these trees for consumption as a beverage as well as for conversion into gur or sugar has been a well-established village industry in India from times immemorial. Neera is stated to have a high nutritive value,** being rich in sugars and vitamins, particularly ascorbic acid and B vitamins. However, it is very susceptible to fermentative spoilage by yeasts and bacteria present in the atmosphere and the tapping vessels. Neera, as it is tapped by the traditional methods, ferments into toddy within 9 to 12 hours. The alcoholic percentage of different types of toddy varies from 3 to 8 per cent. Sendhi, the sap of date palm contains 3 to 3½ per cent of alcohol in bulk while the alcoholic content of the other varieties ranges from 5 to 8 per cent in bulk. Toddy, on the whole, has therefore a low alcoholic content and in order to get drunk it has to be consumed in large quantities. The intoxicating effect depends upon the quantity of toddy consumed and the constitution of the individual reacting to it. But generally toddy has to be consumed in large bulk in order to become intoxicating. It is said to be 'refreshing' when taken after hard work but in moderate quantities.

*Chapter on Drinking in Ancient Societies with Particular Reference to India.

**Aykroyd, W. R., Patwardhan, V. N. & Ranganathan, S. "The Nutritive Value of Indian Foods and the Planning of Satisfactory Diets"—Health Bull. No. 23, 1956.

Lime as Preservative of Neera

3. Lime is widely used as preservative of neera. But it has its limitations; (i) it arrests fermentation only for a short time; (ii) it makes neera alkaline resulting in the destruction of ascorbic acid; (iii) its use necessitates a tedious and expensive process of coating by treatment with either superphosphate or phosphoric acid prior to conversion of neera into high quality gur or sugar; and (iv) continued consumption of lime-treated neera is likely to induce diseases connected with blood vessels and kidney.

The Present Situation—Andhra Pradesh

4. The prohibition scheme covers toddy also. In the dry part of Andhra Pradesh 'Sweet Toddy' Rules of 1959 as amended in March, 1963. are in force. The state government auctions the right to sell neera. The highest bidder whose bid is accepted has to pay 'tree-tax' besides the auction money. The reason given for introducing 'neera' is to provide employment to a large number of tappers in the State. 'Sweet Toddy' Rules provide the important conditions that (i) unfermented toddy should be consumed before 2 p.m. and destroyed afterwards, and (ii) toddy should be collected and kept in lime-coated pots, so as to delay the fermentation process.

Flagrant Misuse

5. In practice, however, these rules are more honoured in their breach than in their observance. Along with the illicit tapping of trees, there is a flagrant misuse of the concession of tapping of sweet toddy granted to tappers. Important and responsible non-officials as also high officers of the government are agreed that the so-called 'neera' or sweet toddy shops, which are supposed to sell unfermented liquor are really selling toddy. Whatever may be claimed for this experiment, it is not making available non-alcoholic drink, whatever goes by the name of neera or sweet toddy is no different from toddy.

Mysore

6. In Mysore state, licences are being granted to co-operative societies not for extracting neera but for converting neera into palm gur. The excise authorities in the state have a duty to mark the trees for the purpose of tapping and to supervise the tapping and the conversion of neera into palm gur. This is frequently neglected and we are told that in the state hardly any palm gur is made out of toddy juice. Only paper entries are made and book adjustments done on payment of commission. We thus have reason to believe that such conditions generally prevail in the state. We observed at a place called 'Bhoovanhalli' near Tumkur where there is a grove of about 2,000 trees that the juice being extracted was fermented toddy in unclean and dirty pots. The place we visited had been pre-determined and arranged by the state government to be shown to us.

Gujarat

7. In Gujarat state, every tapper has been given a licence to tap neera. He sells the neera after receiving cash at the centres where it is converted into gur. Temptation is offered to neera tappers not to convert it into toddy by purchasing neera through societies. Because of ready cash, the tendency to convert it into fermented toddy for drinking is to a large extent

checked. Efforts are also being made to popularise drinking of neera, which is available at cheap rates. People are taught crafts such as the making of basket, and other articles from palm trees. The problem of toddy drinking, however, still remains to be effectively tackled particularly among Adivasis in the eastern belt of the state and among fishermen and other people residing along the coastal belt.

Neera Allowed to Ferment

8. Our observations during the tour of various states where palmyra, date and coconut trees grow abundantly point to the fact that there has been general failure of administration in the working of 'neera' and palm gur manufacturing centres or societies. It is said that 'neera' is not as popular as policy wishes to make it and the juice is thus mostly allowed to ferment for consumption as toddy. Only a small fraction of the juice is utilised for legitimate purposes such as drinking as such or conversion into gur or jaggery and the major portion is used for consumption as fermented toddy or for the manufacture of arrack from jaggery.

Misuse of Chloral Hydrate

9. The greatest evil of the present sales of toddy is not that it is sold in fermented alcoholic form but that it is sold in an adulterated form. Cheap habit-forming drugs are added to the drink in several states and the villain of the piece seems to be chloral hydrate. The drug is used as a hypnotic and a sedative. While the average medicinal dose is 15-30 grains, the quantity consumed by the addicts by way of admixture is much more than this. Chloral hydrate is habit forming and as the hypnotic effect of the drink in which this drug is added is felt, the craving for toddy, in reality for chloral hydrate, increases. The desire to drink more and more grows with every glass of toddy.

10. Andhra Pradesh, which supplies chloral hydrate to Uttar Pradesh, Kerala, Mysore, Punjab and the Union territories of Delhi and Goa, alone produced in 1961 nearly 22,500 lbs. of this drug while the quantity required for genuine purposes for the entire country is estimated at 3,900 lbs.

Unhygienic and Filthy Conditions of Supply

11. The conditions under which neera or sweet toddy is extracted have been studied by us. The juice is generally collected in unclean pots and kept under unhygienic conditions. The pots emit strong smell of toddy even when the alleged intention is to sell neera or sweet toddy. The pots are not washed and few people bother to smear them with lime. It is obvious that when the extraction under Government supervision is as lax as it is, conditions will have to change substantially if private individuals or co-operatives were left to manage. Apart from management, the drinkers are known to drink in large quantities and create filthy conditions and resort to objectionable conduct in and around the shops.

Toddy Taken in Excessive Quantities

12. Owing to the lack of any code of behaviour or proper regulation of quantity consumed, there is often a tendency to drink toddy above any sensible limit, so that not only drunkenness arises but also a totally irrational and exceedingly high proportion of the consumer's budget is spent on toddy in many cases. This expenditure which often amounts to about one-fourth

to one-third of the total income is economically ruinous and not only affects adversely the children of the drinkers but endangers the whole fabric of family life.

Strict Supervision

13. In the light of these abuses of toddy, it seems to us that if toddy is to be drunk at all, it is absolutely necessary to eliminate the admixture of chloral hydrate and other adulterants to evolve a system of supply of wholesome toddy at reasonable prices under hygienic conditions and strict governmental supervision, and impose certain restrictions on the quantity drunk, the age of consumers and the place of consumption.

Problem Peculiar to Toddy

14. Toddy drinking presents serious problems to the administration. The trees the sap of which yields toddy abound not only in the Deccan plateau but everywhere in the South and also in many tracts of Northern India. Effective control over these trees spread over thousands of miles is a baffling administrative problem. The difficulties further increase by the fact that a very large population has been given to toddy drinking since ages past and consider it to be a part of their daily diet and have a firm belief that it has high food value. No penal provision in law will shake such a belief or stop people from giving up toddy drinking to which no odium has been attached according to their social mores. One danger is that if people are compelled to give up toddy which is difficult, they may as an alternative, resort to drinking of distilled arrack which is far more injurious. We will hesitate to advise a sudden or abrupt action banning toddy tapping where hitherto people have been given to toddy drinking. It would be more beneficial for the community as a whole if the distillation of arrack were to be completely forbidden and the law rigorously enforced, whereas a reasonable elasticity with respect to toddy drinking may not be objected to for some time during which an intensive campaign through education, information and publicity may be carried on. It may even take a decade to bring home to the mind of the people that toddy drinking is injurious. Till the work of mass education, both intensive and extensive, bears fruit, toddy may be left out of account though its consumption may be regulated and restricted.

Apart from the fact that the enforcement agents cannot keep watch on every tree or in every area with all the difficulties of terrain and topography, the administrative machinery suffers from want of alertness, adequacy and also of equipment. We cannot lose sight of the vulnerability of the task forced on account of the venality of lower ranks. Even if toddy drinking goes on, it will possibly help in containing the greater evil of distillation of illicit arrack and to that extent, it is likely to minimise the anti-social activity of the illicit distiller.

The Case for Toddy

15. There is a vocal section of public which is of the view that drinking and the sale of toddy should not be brought under a legal ban. According to this view, people have been drinking toddy for generations and feel the craving when toddy is not readily available and very often take to arrack which is a worse substitute. After a long day's hard work, whether in paddy fields or in other agricultural pursuits, in fishing in coastal waters, in the mines or in the factories, there is felt a need for a restorative or a

pick-me-up. Toddy has been supplying this want so far. The mine workers in Kolar gold mines working at great depths ranging between 3,000 to 10,000 ft. below sea level plaintively told the Team that they should be permitted to drink 1 to 2 bottles of toddy at the end of the day as they felt that it was bracing and refreshing.

Occupations Involving Strain

16. There is no denying the fact that mine workers and others engaged in pursuits which are either tiring or involve occupational hazards or are otherwise highly dangerous, cause both physical and mental strain. Such persons do need wholesome drinks for the restoration of their nerves and for the replenishment of the energies lost and for soothing their nerves. Till they get used to non-alcoholic beverages which may not only relieve fatigue and tenseness, but also bring back their strength, toddy to which they are used, but in a measured quantity, may not be taken away as otherwise, they are likely to take to a worse substitute in the form of arrack. The stoppage of toddy with the resultant emergency of illicit arrack is likely to bring in its wake good many evils threatening health and encouraging lawlessness corruption.

Toddy Claimed to be Nutritive

17. Apart from the widespread belief that toddy has considerable nutritive value, we were informed that it is also a preventive for the occasional diseases from which miners suffer, namely, silicosis and pneumoconiosis. Silicosis is a fibrosis of the lungs caused by the inhalation of silicious particles among mine workers and stone workers, etc. Pneumoconiosis is also a fibrotic disease of the lungs caused by the inhalation of dust or grit. We do not find ourselves competent to express our opinion on the nutritional value of toddy.

Views of Dr. 'A'

18. We have, however, the views of two eminent physicians of our country, but they are not entirely in agreement. But we reproduce them below in the expectation that the respective properties of neera and toddy may be got scientifically examined and their respective values ascertained from different angles. The first note is reproduced in extenso:

“Some Facts on Food Value of Neera and Toddy*"

What is Neera?

The sweet juice obtained by tapping any sugar yielding palm tree is called Neera. This juice has a pleasant, delicious and sweet taste and an agreeable flavour. In India, it is usually obtained from the palmyra (Tad), coconut (Nariel), sago palm or wild date palm (Khajur) trees.

What is Toddy?

Fermented Neera is commonly known as Toddy.

Chemical Composition of Neera and Toddy

The composition of Neera depends on the source from which it is obtained. So also the composition of Toddy depends on the quality of

*Prepared by the Department of Nutrition, Government of Bombay, Bombay (Haffkine Institute).

Neera. Even Neera and Toddy may vary in their nutrient contents from sample. The representative chemical compositions of these two juices are given below:—

Nutrient		Neera* (per 100 c.c.)	Toddy @ (per 100 c.c.)
Moisture	(g)	88.7	97.6
Protein	(g)	0.35	0.1
Fat	(g)	..	0.03
Carbohydrates	(g)	10.93	1.8
Minerals	(g)	0.54	0.2
Calcium	(g)	Traces	0.01
Phosphorus	(g)	0.014	0.01
Iron	(Mg)	0.04	1.1
Vitamin B ₁	(Microg.)	13.0	10.01
Vitamin C (Ascorbic acid)	Mg.	9 to 13	Nil

*Average value of samples of neera analysed in the Department of Nutrition Bombay id 1951.

@From published literature (H.B. No. 23—1963).

Alcohol contents of neera and toddy are 0.3 per cent and 5 to 7 per cent respectively.

Neera when fermented, may give slightly higher value for protein as a result of yeast growth. However, this increase in protein content will not appreciably alter the nutritive value of toddy. Similarly, there is no significant difference in Vit. B and mineral contents of neera and toddy. The only Vitamin which is present in neera in appreciable quantity is ascorbic acid (Vitamin C).

Tapping of toddy was an age old industry. It is a very wholesome and popular beverage, with high nutritive value and extremely palatable in taste and flavour. It contains all the constituents which are good and improves digestion. It can be consumed in reasonable amounts without any harm to the system if manufactured under controlled and hygienic conditions. It is a good tonic and has a laxative effect. It is rich in vitamin B₁ & B₂, nicotinic acid and ascorbic acid (Vitamin C).

The composition of these Vitamins per 100 gms. is as under:

Vitamin B ₁	30 micrograms per 100 gms.
Vitamin B ₂ , Riboflavin	500 do. do.
Nicotinic acid	5 mgms do.
Vitamin C (Ascorbic acid)	15 mgms do

Its alcohol content can be controlled from 3 to 5 per cent according to conditions. It has a pH varying from 5-6 and its specific gravity varies from 1030 to 1040.

Analysis of toddy

(Specific gravity at 20 Cent. 1030 to 1040 pH—5-6)

Nitrogen	0.06 to 0.07 per 100 cc.
Protein	0.37 to 0.44 do.
Alcohol. EtOH	3.00 to 5.00 do.
Carbohydrates	5.00 to 6.00 do.
Ash	0.06 do.
P ₂ O ₅ Phosphorous	0.70 do.
Acidity	15 to 18 c., N/10 Alkali

Apart from its nutritional value, toddy improves the quality of blood and supplies the necessary vitamins for all the organs, nerves and tissues of the body. Over and above, it is a good diuretic and has been utilised effectively in cases of Lithasis and there have been instances where individuals have passed gravel and small calculi as a result of ingestion of toddy; as a matter of fact, the Excise Department were giving permits for toddy on medical certificates for urinary ailments even from a distance 70-80 miles prior to prohibition of toddy *i.e.* 1938-1939.

Food Value of Beer and Toddy

Although the alcohol beverages are consumed primarily not for its food value, the natural brewed products are known to retain the natural nutrients present in the starting material such as fruit juices, salt, plant saps etc. In fact in several instances there is an increase in some of the nutrients as a result of fermentation.

The nutritive value of these beverages is thus due to two types of ingredients (i) sugars, alcohol and such other calorigenic components; and (ii) riboflavin, nicotinic acid and other Vitamins. Most beers contain 3 to 7 per cent ethanol, 3 to 4 per cent carbohydrates, 0.3 to 0.4 per cent protein and about 0.15 per cent acidity. On an average the calorific value is usually between 30 to 60 cal./100 ml. which compares favourably with that of milk. Beer is a good source of many B vitamins. Thus results of one study are: thiamin 2.5 — 5 mg., riboflavin 34-56 mg. and nicotinic acid 580 to 900 mg. per 100 ml. A moderate consumption of beer, therefore, makes a substantial contribution of riboflavin and nicotinic acid to the daily diet.

There is not much qualitative work done with respect to the nutritive value of toddy. However, toddies are known to contain vitamin B₁, B₂, C and nicotinic acid in amounts which are nutritionally significant. Thus J. B. S. Haldane has discussed in "Tragedy of Nouru" that infantile mortality in this Pacific island rose to 50 per cent within six months of enforcement of prohibition. "It was found that children at the breast were dying of beri beri, a disease due to the deficiency of vitamin B₁. This substance is nearly absent from the rather monotonous diet of the mothers but is present in large quantities in the yeast from which toddy is made. The Medical Officer of Health discovered this fact and toddy was allowed again—the infant mortality fell to 7 per cent."

Since toddy is made by fermenting neera, the palm sap, which is known to be quite nutritious and since during fermentation the vitamin content usually rises, the nutritive value of toddy on this score, should be

superior to neera. In fact, this has actually been demonstrated by a microbiological study by Sreenivasaya and co-workers, indicating a two-fold enrichment of toddy during fermentation.

Textbook of Brewing—J. Cleerck, 1957.

Human Nutrition and Dietetics—Davidson, Mejklejohn & Passmore, 1959. Current Science, 18, 250, (1949.)”

19. We sent the above note for comments to another eminent physician, but we withheld from him the name of the author. We are reproducing below the comments of another equally eminent physician in his very words:

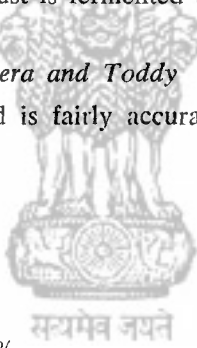
Views of Dr. 'B'

“Comments on the Note on ‘Some Facts on Food Value of Neera and Toddy’

1. Neera is essentially a sap and not a juice. If not fermented and especially when it is fresh “Neera” has a very pleasant and sweet odour. It is a common practice to drink freshly tapped neera ‘right under the tree in the morning’. It is a belief that this neera is very nutritious but actually this neera is free from many types of air borne micro-organisms. Neera when exposed to air dust is fermented by these micro-organisms and bacterial putrefaction sets in.

Chemical Composition of Neera and Toddy

2. (a) The data supplied is fairly accurate. Work done by my own student is as follows:



Specific Gravity	1.07
pH	6.75
Nitrogen %	0.059
Protein %	0.369
Total Sugars %	11.01
Reducing Sugars %	0.97
Ash (Minerals) %	0.54
Calcium	Traces
Phosphorous	0.16
Iron (mg.) %	0.0369
Riboflavin mg/100 ml.	0.01
Vitamin B ₁ mg/100 ml.	13.30
Vitamin C mg/100 ml.	9.46
Total Acidity	8.70

Coconut-Palm Neera

Specific Gravity	1.07
Total Solids	17.50
Sucrool %	17.00
Invert Sugar	Traces
Acidity	Traces
Ash	0.85
Undetermined Nitrogen Compounds	0.95

(b) From the data supplied in the enclosures sent by you, it could be inferred that there is absolutely no increase in any of the nutrient when Neera is made into toddy and wherever there is a slight increase (like Iron), this is more probably due to contamination or Iron being supplied exogenously. There is no case of increase in nutrients due to fermentation. Fermentation in the case of Neera is a process due to the assimilation of sugars by yeast to convert the same for the production of ethyl alcohol.

(c) Neera is a wholesome and popular beverage, whereas toddy as manufactured during pre-prohibition days was not. Toddy was usually prepared by letting Neera stay open in the sun. This whole process was very very crude and quite harmful to the health of the people. It was usually an "uncontrolled fermentation". In some cases alcohol contents went upto 5 per cent. However, if Neera is kept for longer time and yeast is added the alcohol content could go up to 11 per cent to 14 per cent. Neera could be consumed like a fruit juice beverage. Amounts consumed would depend upon the particular taste of individual, whether he likes sweet drinks.

(d) Analysis of Toddy

The term "quality of blood" is not very scientific. There is absolutely no scientific evidence to show that there is any significant improvement in the so-called "quality of blood". Should toddy improve "quality of blood", I would say "neera" should do a better job.

A short glance at the energy and calorific values of neera, toddy and milk shows that neera due to 10 per cent plus sugar in it has a much higher energy content than toddy and also it compares very well with that of milk.

(e) Food Value of Beer and Toddy

Coming to the statements attributed to Professor Haldane, I would say that there are far far better and cheaper ways of supplying the Vitamin B₁ needs of infants than the mother having to drink considerable amounts of toddy. In fact lesser amounts of neera would supply more Vitamin B as indicated in the Table I supplied by you.

N.B.—The calorific values of Neera, Toddy, Beer 4 per cent and Milk are given below:

1. Neera	58
2. Toddy	43
3. Beer 4%	55
4. Milk	66

Destruction of Palm Trees

20. The palm tree has diverse uses and considerable potentialities. The tree when young yields valuable fibre and its sap can be used to produce jaggery. Palmyra wood and palm leaf are utilised for making various articles and the palms, properly known as 'tubewells of sugar' are capable of providing a living to the tappers throughout the year. It is with these considerations in view that we regard the suggestion to cut down all these trees as insensate.

21. We strongly recommend the popularisation of neera parlours among industrial workers and others used to toddy. Neera bids fair to be a better substitute for toddy, but it has to be handled with a good deal of care,
7P.C.—13.

lest by design or carelessness it gets fermented and becomes toddy. In the industrial areas, there should be attractively designed neera bars providing unfermented juice. Proper publicity can highlight its good points. Researches may be intensified in finding executive and non-injurious preservatives so that neera may remain fresh for a considerable time and may not be susceptible to fermentation. Lime makes the juice alkaline and thus prevents the growth of yeast cells which are responsible for alcoholic fermentation of the juice. The process of lime-coating is not difficult, but it needs being constantly and carefully watched. Neera has the potentiality of driving toddy out of vogue. Other suitable non-alcoholic drinks and fruit juices can also be supplemented, provided they are as cheap as toddy.

Development of Neera and Palm Gur Industries : Visit to Dahanu

22. Development of neera and palm gur and subsidiary industries will go a long way towards successful prohibition. There is a tremendous scope in developing palm industry. Apart from neera and palm gur, it has several other uses and can contribute materially in ameliorating the economic lot of people especially the Adivasis living in palm belts. The team paid a visit to Bharatiya Tad Gud Shilpa Bhavan, Dahanu, and was acquainted with the large-scale potentialities of the industry. Neera, palm gur and other allied products under proper schemes can be linked with prohibition work. The economic possibilities are tremendous and excellent work is being done at Dahanu, but such industries need being multiplied. If palm industries are properly exploited, they will be the best way of weaning people from toddy. Palm sap is not only sweet and refreshing, but it has nutritional value, and can be converted into gur, candy and numerous confectionary articles. The fibre and the leaves have several uses—too numerous to be mentioned. The palm fibre makes strong ropes and durable fish-lines. The timber lends itself to many productive uses. It provides seasonal employment and in the case of date palm, for as many as 220 days. In the off-season, gainful subsidiary occupations can engage people who may manufacture non-edible utility articles. Besides an excellent source of sugar supply, they have multiple utility values in the village life and agricultural development.

Source of Employment

23. The scheduled tribes and castes, who are given to toddy drinking, will stand to benefit the most by development of palm industries. The employment potential of this industry by itself will be an incentive to giving up toddy drinking and to obtaining gainful employment at their own places. The tapping community will not be thrown out of employment and need not take to illicit tapping when their proficiency in tree climbing and tapping can be fully and scientifically utilised. The palm industry singly can contribute a lot more to stopping toddy drinking than any punitive measures which can be devised. Moreover, that will be a popular and acceptable way for propagating prohibition.

Recommendations made by Earlier Committees:

The Madras Prohibition Enquiry Committee (1948)

Madhya Pradesh Prohibition Enquiry Committee (1951)

Andhra Prohibition Enquiry Committee (1954)

24. The problem of toddy drinking has been considered in the past by several committees set up earlier by the centre and state Governments.

Their recommendations differ considerably. The Madras Prohibition Enquiry Committee (1948) recommended that tapping of palmyra, coconut and date palm trees for sweet juice in areas where the trees were tapped for fermented toddy in pre-prohibition days should be forbidden, as a general rule. The Prohibition Enquiry Committee set up by the government of Madhya Pradesh in 1951 on the other hand recommended that there should be no rationing of toddy. They advocated that the existing system obtaining in wet areas of selling toddy should be continued and extended to dry areas. The auction system should be abolished in the case of toddy as well as in that of liquor with the consequent reduction of prices. The Andhra Prohibition Enquiry Committee (1954) held that toddy may be allowed to be consumed without permit, as there is widespread demand for it in rural areas. Their recommendations were based on the assertion that toddy is comparatively non-injurious, that its alcoholic content is low and that it has food value. The Committee thought that if toddy drinking were allowed, the demand for arrack would decrease to an appreciable extent. They recommended that the hours of supply might be reduced to 3 p.m. to 7 p.m. in place of 9-30 a.m. to 8 p.m. as under the old excise policy and that young people under 21 years of age should not be supplied with this liquor. The supply of toddy may be restricted by limiting the number of trees as well as the daily supply of toddy to half a gallon to a person. Drunkenness in a shop should make the contractor liable to cancellation of his licence.

Shriman Narayan Committee (1954)

25. The Prohibition Enquiry Committee set up by the government of India in December, 1954, stated that in the case of toddy, prohibition states had assured them that enforcement was substantially effective, as the opportunities for committing offences were few. The owners of trees are generally not drinkers themselves and moreover the trees have to be tapped in the open. This, according to the Committee, made detection easy. The Committee, therefore, advocated a ban on toddy and recommended that special efforts should be made to persuade ex-toddy tappers to take to suitable avocations. The organisation, for the purpose of palm gur manufacture and for tapping neera in areas where it is not ordinarily taken fresh, should be worked through the agency of trusted constructive workers.

Our conclusions and recommendations on the important issue of toddy are presented in chapter XLIII.

CHAPTER XXI

MISUSE OF SPIRITUOUS, MEDICINAL, TOILET AND OTHER PREPARATIONS

Misuse of Spirituous Preparations

There is a large scale misuse of spirituous preparations which are, in many cases, used as substitute for potable alcohol. Such preparations enjoy a certain immunity from law by virtue of the fact that the alcohol contained in such preparations is duty paid alcohol. Operations for the manufacture of such preparations are carried on, in some States, on a large scale and the traffic in such preparations is not limited only to dry areas but move freely in wet areas also.

2. In many States there are mushroom pharmaceutical concerns which come into existence where they can, through influence or otherwise, they secure large quotas of spirits during the brief period of their existence, convert the quotas into potable drinks in the guise of medicinal or toilet preparations and make huge profits. Then they transfer their activities to other States after they have reaped a bumper harvest. They do not require any expensive machinery or big investment. An adequate quota of spirit and accommodating a chemist or two, and a couple of rooms is all that is required to run a thriving business. The working of these concerns savours of racket. Usually these people have a pull with the authorities in order to obtain the quota and the requisite licence.

3. Enquiries from the leading representatives of the medical profession have elicited everywhere that there is hardly any use for most of these medicinal preparations, more so the tinctures, as they are out moded. For better drugs and other medicines are now known to modern science which almost, in all cases obviate the use of these tinctures and others. There are better remedial preparations which are in daily use and are not alcohol based. Some of the out-moded preparations are used in minims for flavouring or colouring but when we went through the records of some of the concerns, we noticed that the actual quantity produced in some cases would be sufficient for almost the entire humanity, assuming every human being was suffering from the malady for which such a preparation might be considered to be a cure.

The Medicinal and Toilet Preparations (Excise Duties) Act and the Drugs and Cosmetics Act, 1940

4. At present there are two enactments which can control the manufacture of spirituous medicinal preparations namely, the Medicinal and Toilet Preparations (Excise Duties) Act (16 of 1955) and the Drugs and Cosmetics Act (23 of 1940). Whereas the former Act primarily deals with the levy of excise duty on spirituous preparations, whether made in accordance with allopathic, ayurvedic or homeopathic system of medicine, the latter is primarily intended to control the standards of drugs (which includes spirituous medicinal preparations), but is applicable only to drugs

made according to the allopathic system of medicine. In accordance with the provisions of the Medicinal and Toilet Preparations (Excise Duties) Act, spirituous preparations can be made either in bond or outside bond after paying a higher rate of duty on alcohol. Then again preparations are divided into two categories, restricted and unrestricted. Restricted preparations are those that are liable to be consumed as alcoholic beverages and unrestricted are those that are not liable to be consumed as alcoholic beverages. The duty on the former category is higher than the latter. However, even the higher rate of duty is not sufficiently deterrent to prevent the misuse of such preparations as alcoholic beverages. When preparations are made in bond, the alcohol is issued by the Excise Officers in charge of the bonded laboratory. This officer also supervises the manufacture, takes samples after the preparation is completed and levies duty on the basis of the chemical analysis report on alcohol content before the preparation is released for marketing. Preparations made outside bond are subjected to the higher rate of duty irrespective whether such preparations fall in the restricted category or otherwise. As mentioned earlier, even the higher rate of duty on alcohol is sufficiently attractive for such persons as may want to sell preparations which can be used as alcoholic beverages and there being no supervision from the excise, it is quite possible to make spurious preparations. We recommend that the provisions of this Act, or the rules thereunder should be so altered as to permit of a qualitative and quantitative check being exercised over preparations for which alcohol is issued. We understand that a manufacturing firm is given a quota of alcohol within which the firm should accommodate all its preparations. We recommend that quotas of alcohol should be given with reference to individual preparations after ascertaining their legitimate needs, and not a general quota.

5. The Drugs Act requires that all drugs are manufactured under a licence. There are conditions to be satisfied before a licence is granted, for example, sanitary conditions, proper accommodation, competent staff, proper type of equipment, testing facilities etc. It will be seen that under the Drugs Act, emphasis is on quality. Inspectors appointed under the Drugs Act periodically inspect factory premises and take samples of drugs. A counter check is exercised by taking samples of drugs from the sale premises of chemists and druggists. If any sample is found to be sub-standard or spurious, action is taken against the seller or the manufacturer as the case may be. There is no day to day supervision over the manufacturers and it is the primary responsibility of the manufacturers to manufacture standard drugs. Apart from this scheme of the Drugs Act, the number of inspectors appointed by different States is woefully inadequate. We have been informed that in some States there is only one Inspector for 4 to 5 districts.

Categories of Spirituous Medicinal Preparations

6. To get a proper perspective of the problem involved, we shall divide spirituous medicinal preparations into four categories and analyse each category with a view to finding out the extent of the problem and to suggest a remedy to relieve the situation.

- I.—Medicinal preparations prepared and used according to the allopathic system of medicine.
- II.—Medicinal preparations prepared and used according to Ayurvedic system of medicine.

III.—Medicinal preparations prepared and used according to Homeopathic system of medicine.

IV.—Toilet preparations containing alcohol.

Tinctures, etc.

7. Taking the first category into consideration there is a very large range of preparations containing alcohol which are current in this system. These can be divided in two broad classes, namely:—

(1) Patent Medicines, and

(2) Pharmacopoeial Preparations.

It is in the latter category that tinctures, extracts and spirits are included, and from the information we have been able to gather it is such preparations which are largely misused. Here again there are several factors to be taken into account *e.g.* preparations included in the Pharmacopoeia which are, *per se*, liable to be misused and preparations in pharmacopoeias which are not liable to be misused if they are made strictly according to the pharmacopoeial standards.

The Pharmacopoeia

8. The standards of such medicinal preparations are controlled under the provisions of the Drugs Act, and we are informed that in accordance with these provisions pharmacopoeias of several countries have been recognised. The British Pharmacopoeia, the British Pharmaceutical Codex, the United States Pharmacopoeia and the Indian Pharmacopoeia being the four which are widely in use.

9. There are a variety of allopathic medicinal preparations manufactured in suspiciously large quantities far in excess of their use as genuine medicines. One significant feature is that their alcoholic content is very high, ranging from 45 per cent to 88 per cent v/v, and some of them are hardly known to the medical profession on account of their obscurity and disuse. There are many concerns in the states making such preparations and in quantities far in excess of what may be considered legitimate use. It is comprehensible why enormous quantities of spirit quota (as per statement at page 267) is being issued to such pharmaceutical concerns who in the guise of medicines are providing alcoholic beverages and are earning huge profits because the rate of excise duty is very low.

Allopathic Preparations

10. There are different patterns of preferences for the medicinal spirituous preparations in different states. But those which are widely misused are Tincture Zingiberis, Extract Rauwolfia, Tincture Calandulae, Tincture Cimicifagu, Tincture Aurantii, Tincture Cardamom Co. These spirituous preparations are being used as alcoholic beverages despite the medicinal content which does not cause harm even if it is taken in large quantities. Their alcoholic strength being very high, they are being consumed after diluting them. There is also another lot of medicinal preparations *e.g.* Spirit Ammonia Aromaticus, Spirit Mentha Pip, Spirit Chloroform, Spirit Etheris Nitrosi. They contain alcohol of high strength but their only peculiarity is that they have an unpleasant taste. This element is eliminated by simple physical processes involving heating, distillation, evaporation or decantation.

What are Standards for Tinctures

11. The pharmacopoeias describe the various preparations included in them under a monograph for each of these preparations. Legally every statement in the monograph constitutes standards. The pharmacopoeias however in addition to the general statements about the constituents of a preparation and the different proportions of such constituents in the preparation also give, in many cases standards for identity, purity and also give methods of assay. In the case of most of the tinctures, however, no such standards of identity, purity or methods of assay are given. The only constant that is stated in such cases is the alcohol content in these preparations. When, therefore, a sample of a tincture is sent to an analyst although there is nothing to preclude him from applying tests to determine the identity and purity of the tincture, the only test that he normally applies is, the determination of the alcohol content and when he finds that the alcohol content is in accordance with the requirements of pharmacopoeia, he declares such tincture as standard.

Particular Tinctures Misused

12. As stated earlier, there are many tinctures, which even if made in strict compliance with the pharmacopoeial standards are liable to be misused *e.g.* Tincture Cardamon Co., Tincture Zingiberis, Spirit Chloroformi, Spirit Ammonia Aromaticus, etc. There are other preparations which are not liable to be misused if they are made strictly according to pharmacopoeial standards *e.g.*, Tincture Belladonna (poisonous); Tincture Nuxvomica (poisonous and bitter), Tincture Opium etc. In addition to these there are many other tinctures included in Indian Pharmacopoeia such as, Tincture Alstonia, Tincture Aristolochia, Tincture Hemidesmus etc. which have no definite standards laid down and which even otherwise would be liable to misuse.

Sale of Spurious Tinctures

13. We have reason to believe that many of the tinctures which are made, are not genuine tinctures at all. In many cases, it is only alcohol coloured with a suitable colouring agent and sold as tinctures. Such tinctures have a very high alcohol content and can be easily taken as potable alcohol after suitable dilution. Large quantities of such tinctures selling under the name of Tincture Alstonia, Tincture Hemidesmus, Tincture Aristolochia are being manufactured. In some cases, in addition to tinctures some manufacturers have resorted to making ear drops of resorcinol, a preparation which is included in the British Pharmaceutical Codex. Thousands of pounds of such ear drops are manufactured and there were even press reports that large quantities of (auristillae resorcinalis) were apprehended in a particular State. Now these ear drops consist of a high percentage of alcohol with a small proportion of resorcinol. In many cases when samples were analysed it was found that there was no resorcinol at all in these preparations. The ingenuity of the manufacturers seems to be unlimited and when to this is added the ignorance, callousness or connivance of the excise officers, who alone are authorised to issue the alcohol for manufacture of these preparations the result is that the market is flooded with all types of preparations under the guise of this or that tincture, or ear, nose or eye drops. It therefore appears to us that considering that the genuine need of tinctures is very limited, the manufacture of only such tinctures as are absolutely essential should be permitted.

Reduction of number of tinctures

14. The British Pharmacopoeia has reduced the number of tinctures from 34 in 1932 to 14 in 1963. The United States Pharmacopoeia in the same way has reduced the number of tinctures from 19 in 1942 to only 6 in 1960. The Indian Pharmacopoeia which was published in 1955, on the other hand, contains a list of 42 tinctures. The gradual diminution in the number of tinctures both in British Pharmacopoeia as well as United States Pharmacopoeia is understandable, as with the introduction of modern drugs in therapy the use of tinctures would gradually go into desuetude. We would strongly urge that the Indian Pharmacopoeia should fall in line with this trend in therapy and reduce the number of tinctures included in it to the barest minimum, as the mention of a large variety of tinctures in the official pharmacopoeia gives the manufacturers a strong handle to insist on the issue of alcohol for the manufacture of such tinctures. It will be desirable to have an All-India Committee to advise the Government as to banning or circumscribing all preparations, which are amenable to abuse. This committee should consist of representatives of pharmacy departments, from one of the universities or well-known institutes, representatives from hospitals, from manufacturing houses engaged in preparing allopathic, homeopathic tinctures, cosmetic, toilet preparations etc., representatives from the central and state drug control departments and excise and taxation departments. They should go through the lists of spirituous preparations and mark those, the utility of which has ceased and also advise as to the quantity which should be manufactured. The manufacture should be taken by the government or under strict governmental supervisions.

15. As already mentioned the number of tinctures need being reduced to the number permissible under the British or the United States Pharmacopoeia. If United States can do with 6 tinctures and Great Britain with 14, we need not exceed that number. Some of these tinctures have no use whatsoever though they figure in the Pharmacopoeia. Their deletion should be examined. The manufacture of some of these needs being stopped:—

1. Tincture Zingiberis Forte (B.P.).
2. Tincture Squill (Scilla) (B.P.C.).
3. Tincture Chinensis (I.P.).
4. Tincture Cochineal (I.P.).
5. Tincture Lemon (I.P.).
6. Tincture Vanilla (U.S.P.).

16. Tinctures, which are not listed in the latest editions of the International Pharmacopoeias, should not be allowed to be manufactured. A number of these preparations carry false labels, e.g. eau-de-Cologne. This needs being watched and severe action should be taken where such preparations are misdescribed under false labels.

17. Preparations containing high percentage of alcohol such as ear drops and eye drops (auristallae spiritus and auristallae acid boric) should not be allowed to be manufactured on a large scale. Pharmacies can handle any prescriptions from doctors for such ear and eye drops. In any case the percentage of boric acid must be verified from the Drugs Laboratory.

18. Preparations like Tincture Belladonna 30x and Tincture Nux Vomica 30x need being excluded from Homeopathic Pharmacopoeia. In this matter an expert in Homeopathic preparations may be consulted. From the information we have had these two Homeopathic tinctures are being widely misused and they are rarely prescribed by the Homeopaths as medicine. It is doubtful whether they contain any medicine at all as the medicinal content is one decillionth which is incapable of being found, as a decillion is represented by 1 followed by 60 ciphers.

Defects in Drugs Act

19. We feel that the Drugs Act (23 of 1940) apart from the inadequate machinery to implement its provisions is incomplete and defective and for this reason the manufacturers of drugs are enabled to engage themselves in anti-social activities by putting on the market intoxicating beverages without let or hindrance. We may point out some of the important lacunae in this Act.

20. Section 8 (sub-section 1) and also Section 14 (sub-section 1) define the term "standard quality" both for purposes of import of drugs (Chapter 3) and also for their manufacture, sale and distribution (Chapter 4). According to this definition "standard quality" when applied to a drug means that the drug complies with the standard set out in the schedule. Section 3(b) defines "drug" as including medicines for the use of human beings or animals in the treatment, mitigation or prevention of diseases but excepts from this category medicines and substances exclusively used with Ayurvedic or Unani systems of medicine. This excludes Ayurvedic or Unani systems of medicine from the purview of the Act. The effect is that such controls as are provided by the Act do not apply to indigenous systems of medicine.

21. Section 3(d) defines "Patent or proprietary medicine" as a drug not for the time being recognised by the Permanent Commission on Biological Standardisation of League of Nations or in the latest edition of the British Pharmacopoeia or the British Pharmaceutical Codex or any other pharmacopoeia authorised in this behalf by the Central Government after consultation with the Drugs Technical Advisory Board constituted under Section 5 of the Act.

22. The difficulty is provided by the schedule which classifies drugs and gives standards to be complied with for each. In this classification there is the first item dealing with "Patent or Proprietary" medicines and the standard to be complied with by them is the formula or list of ingredients displayed on the label. Now where improper advantage can be taken under the head "Patent or Proprietary medicines" Section 3(d) is, that any person can prepare a drug of high alcoholic strength according to his own formula and sell it as a drug. He can thus by adding some innocuous medicine place in the market a potable spirituous preparation with no curative effect whatsoever. Such a preparation will sell as an intoxicating beverage without any legal obstacle. Thus the law allows a big handle to the manufacturer of patent or proprietary medicines to do as he may please. His preparations need not approximate to any pharmacopoeial requirements, nor need they be therapeutically active.

23. The fourth item in the Schedule is "Other Drugs" and under the column "Standards to be Complied with" the requirements are those which

are specified in the current edition of the different pharmacopœias. But there is no such insistence in the case of Patent or Proprietary medicines. The provisions of the Drugs Act are not sufficiently comprehensive to control the standards of patent and proprietary medicine, for example, it is quite open to any manufacturer to make a medicine containing say 5 per cent. of active ingredients in a preparation, as it is open to another manufacturer to market another similar preparation which contains only 1 per cent. of the active ingredients. So long as the percentage of the active ingredients is correctly stated on the label, neither the Drugs Inspector nor the Analyst can do anything to check the manufacture of such preparations. We will strongly recommend that the provisions of the Drugs Act be so amended as to require that only such preparations as are therapeutically efficacious, should be allowed to be marketed.

Better checks to be devised

24. The question arises at this stage whether the provisions of the Drugs Act 1940 cannot be made use of in a better way to check the manufacture of substandard or spurious tinctures. We are advised that the number of inspectors appointed under the Drugs Act in some States is woefully inadequate. In some States there is one Inspector in 6 districts. The task of controlling the industry, particularly spirituous preparations which requires day to day vigil is impossible in such conditions. The excise officers, however, who issue alcohol and who are present at the time of manufacture in every bonded laboratory can exercise a better vigil. Such officers have, however, to be qualified and we would refer to the recommendations of the Expert Committee (Excise) appointed by government in 1950. One of the recommendations of this committee was that the excise staff in the bonded laboratories should be qualified chemists or pharmacists so that they would know what exactly was being manufactured. We would urge that consideration be given to this recommendation. We would also urge that apart from reinforcing the machinery at present available for enforcing the provisions of the Drugs Act, a specific provision should be incorporated in the Act, or the rules framed thereunder requiring that only such drugs as are therapeutically active and are safe for use, should be permitted to be manufactured.

Manufacture by State

25. The other suggestion would be to draw up a list of tinctures and other spirituous pharmacopœial preparations which are essential, which alone should be subjected to a concessional rate of duty. All other preparations being in the first instance subjected to a high rate of duty (Rs. 15.50 per litre). This rate could be revised after a reference to the Standing Committee appointed under the provisions of Medicinal and Toilet Preparations (Excise Duties) Act. We feel that a better safeguard against misuse and a more effective guarantee for standards and purity would be that all tinctures required for medical use should be manufactured by the Government only. This can be done either in their existing factories or by establishing new factories, if necessary.

26. We would in this connection also refer to the resolution passed by the Central Health Council in Madras in October 1963 recommending that tinctures should be manufactured by Government only and that the total quantity of tinctures for *bona fide* use will not exceed 500,000 gallons. We strongly endorse this resolution.

27. Another suggestion for consideration is that the Government should have the monopoly of the production of all classes of spirituous preparations medicinal, toilet potable and industrial. Standardisation and purity will be guaranteed if medicinal and other preparations are under Government control rather than that people are left to the mercy of pharmaceutical manufacturers who have a training of sorts and an eye on high profits for their employers.

28. On the distribution side the Government should control the supply to genuine customers *e.g.* hospitals and private institutions with a machinery which should verify and check utilisation.

29. If pharmaceutical firms are to be entrusted with manufacture then the commercial licensing and alcohol based preparations which are liable to be misused may be supplied to reputable firms and in stated quantities for which they should maintain strict accounts. The manufacturers should be required to maintain records of the quantities supplied and this record may be maintained from stage to stage as the supplies reach the remote consumer.

In order to prevent misuse of medicinal preparations, it is necessary to make an assessment as to their legitimate use as medicines and there should be a quantity control as also quality control. The provisions of the Drugs Act 1940 should be amended accordingly.

30. Alternatively, it is suggested that the entire manufacture of alcoholic preparations should be in bond and the supplies to hospitals and other institutions should be subject to sanction from a proper authority.

Ayurvedic Preparations

31. We now come to the second category of preparations, namely, Ayurvedic preparations containing alcohol. These preparations are generally known under the name of Asavas and Arishtas and are made by the process of maceration.

32. These preparations usually contain self generated alcohol. When properly made the alcohol content does not exceed 10 to 12 per cent by volume. With the exception of Drakshasawa and Draksharishta most of the other Asavas are bitter and unpalatable. Asavas in general leave a high residue when evaporated and on account of the solids contained in them are unsuitable to be taken as ordinary alcoholic beverages. Apart from the alcohol which is self generated, Asavas are not supposed to contain any added alcohol. Although there are at present no standards for such preparations, if the methods of manufacture as prescribed in Ayurvedic texts are strictly adhered to, all Arishtas should result in preparations which cannot be misused as beverages and whose alcoholic strength should not go above 10 to 12 per cent.

Asavas, Arishtas Suras and Sudhas

33. Instances have been reported where under the guise of Asavas preparations containing as much as 80 to 90 per cent by volume of alcohol are being marketed. When tested for residue, the preparations were found to leave hardly any residue. Such Asavas can be made only by adding alcohol or by distillation and can put a stop to by the excise officers concerned. The manufacture of Asavas by the addition of alcohol or by distillation should

be prohibited. Another class of spirituous Ayurvedic preparations being marketed, particularly in the West Bengal, are what are known as Suras and Sudhas (Mritasanjivani Sura). The Expert Committee (Excise) referred to earlier have reported that such preparations cannot be strictly considered as Ayurvedic, although a reference to these can be found in certain Ayurvedic treatises. The only way to put a stop to such preparations is to subject them to a very high rate of duty, so as to make their availability as costly as possible.

34. Ayurvedic preparations are not controlled under the Drugs Act and an early effort should be made to bring these within the purview of that Act and also to establish standards for such preparations. The compilation of a full fledged Ayurvedic Pharmacopoeia is bound to take time; in the meanwhile it would be desirable to lay down standards for at least a few of the more common preparations such as Asavas and Arishtas with the least possible delay.

Misuse of Homeopathic Medicines

35. That takes us to the homeopathic medicines. The problems connected with homeopathic medicines are peculiar in themselves. According to this system the more dilute a tincture is, the more potent it is. Starting with the mother tincture (1 to 10) one part of this when diluted to 10 parts becomes 1 x; again one part of 1 x when diluted to 10 parts becomes 2x and so on. Dilutions upto 30 x, 200 x are common. All these dilutions are done with alcohol. The quantity of drug in a 30 x tincture is so infinitesimal by known standards of assessment that for all practical purposes a tincture of 30 x potency can be assumed to contain nothing but alcohol. Such tinctures can, therefore, be used in place of alcohol for potable purposes. The dose of homeopathic medicine is very small, so that if such tinctures are required for the *bona fide* use of homeopathy, the total quantity of tinctures required would not be large. On the other hand it has been reported to us that hundreds of gallons of homeopathic tinctures of various dilutions are being made in West Bengal, Punjab, Rajasthan and some other States and exported to other parts. One can only conclude that these tinctures are being consumed as ordinary alcoholic beverages. For instance Tincture Belladonna 30 x, homeopathic dilution has 88 to 90 per cent by volume of alcohol and the medicinal content is said to be one-decillionth (*i.e.* one divided by one followed by sixty ciphers). In other words the medicinal content is so minute that no chemist can find out what other medicine besides alcohol and water has been used in it. The same is true of Tincture Nux Vomica 30 x homeopathic. The medicinal dose is fraction of a drop. But one pharmacist in a small town in Jammu and Kashmir had produced 2437 LP gallons of Tincture Belladonna 30 x homeopathic. The whole of it was sent outside the state. The same concern had produced 859 LP gallons of Tincture Nux Vomica 30 x homeopathic. On enquiry the chemist reluctantly admitted that there was no known homeopathic use for these preparations and their only use known to him was as potable alcoholic drinks. Moreover these preparations are generally sold in one pound bottles which would amply demonstrate that neither the supplier nor the consumer had in their mind their use in homeopathic doses. We have no doubt that, assuming every human being on earth suffered from a disease of which the particular tincture was a cure, the supply of one such concern would be more than sufficient for the entire humanity and that too for very many years to come. It would be necessary to assess the requirements of homeopathic tinctures for *bona fide* use and restrict the manufacture only

to the bare requirements. Another suggestion that we would like to make is that a manufacturer should be required to pack the medicines in small containers (1 oz phial) only. It would also be worthwhile investigating whether dilutions cannot be made by substances other than alcohol. Lactose is a common diluent used in homeopathy to make triturations and it should be investigated whether all the dilutions cannot be made by means of lactose.

No Genuine Toilet Preparations Manufactured

36. We now come to toilet preparations which contain alcohol. Toilet preparations, the alcoholic content of which is very high, are being produced in uncommonly large quantities and are being used as intoxicating beverages. They go under different names; the most popular being Eau-de-Cologne or "Cologne water", and after Shave Lotion. Some have adopted fancy names, e.g. L'Eau Sans Pareille, probably a corruption from the French l'Eau sans Pareil (The water without Parallel). They are supposed to be fragrant but we could not on opening such bottles find any fragrant smell. Their price which ranges from Rs. 5 to Rs. 4.50 per lb. being very cheap, they offer great allurements as intoxicating drinks. In Bhatinda (Punjab), we insisted on having a look at a preparation called Millisa Toilet Water, which according to the proprietor, was a scent. On opening, we could not find any scent in it—it was rather malodorous. It is an open secret that the toilet preparations being sold under different names are neither intended to be used nor in fact are being used as toilet preparations. They are alcoholic drinks of very high strength. While dealing with Eau-de-Cologne it may be mentioned that there are three districts in Saurashtra which are consuming Rs. 20 lakhs worth of the so-called Eau-de-Cologne. This high consumption cannot be for toilet purposes. It has only one purpose, which is its use as intoxicating drinks. The heavy quantity imported is because of Gujarat State being dry, the ordinary alcoholic liquors are not available without violating the law and incurring risks. Such preparations are by and large used only externally and therefore, it should be possible to have a suitable denaturant to be added to alcohol which would prevent its use for potable purpose. The denaturant should be such as would not lend itself to easy removal and should be such as would not lend itself to easy removal and should be non-toxic. There should be a system of licensing and the manufacturers should be required to maintain complete records of distribution.

Misuse of Denatured Spirit

37. The misuse of denatured spirit is on a very large scale. The principal reasons are that its alcoholic strength is very high; it is very cheap and the two denaturants caoutchoucine and pyridine can be eliminated by a simple and inexpensive process with which the law evaders are familiar.

Caoutchoucine and Pyridine Ineffective

At the instance of the Team, certain experiments were conducted. A specially prepared sample of denatured spirit was taken by adding 0.5 per cent pyridine and 0.5 per cent of caoutchoucine. This sample was subjected to the simple process of filtration which is usually adopted by persons in the illicit liquor trade. During our visit, a demonstration of this process had also been given to us. When the product after undergoing the process was sent to the chemical examiner for analysis, his report was that the sample was free from the two denaturants. This proved that the simple

process resorted to was successful in completely removing the two denaturants—pyridine and caoutchoucine—lend themselves to easy extraction.

The second experiment was begun by purchasing the denatured spirit from the market. A sample from that was sent to the chemical examiner who reported that it contained 0.5 per cent pyridine only. In other words, there was no caoutchoucine, which is a necessary denaturant. Either it had not been added at the source or it had been eliminated later on. Thus, there is no guarantee that the denatured spirit available in the market contains the denaturants. The result also established that pyridine and caoutchoucine, the two denaturants can be removed without any difficulty rendering the spirit potable. The addition of such denaturants presents no obstacle to those who wish to divert high strength alcohol into an intoxicating beverage. This large-scale misuse has created great scarcity of denatured spirit for genuine domestic and industrial uses. Whereas the increased manufacture of industrial alcohol is imperative for the industrial growth of the country, it is equally essential that its diversion into potable liquors is effectively prevented.

In USA, over 60 Effective Denaturants

In the United States of America, there is completely denatured alcohol and also specially denatured alcohol. There are more than 60 formulae for specially denaturing alcohol and several for completely denaturing it. At the turn of the century, methyl alcohol was selected for industrial purposes because it was very difficult to remove the denaturants even by distillation. It was used for purposes for which mineralised methylated spirits were not suitable. Mineralised methylated spirits contain 90 per cent by volume of alcohol, $9\frac{1}{2}$ parts of white naphtha, and $\frac{1}{2}$ part of crude pyridine, adding to every 100 gallons of the mixture of $\frac{3}{8}$ gallons of mineral naphtha and not less than 1/40 oz. of powdered aniline dye (methyl violet).

Advice of a committee of experts may be sought for inclusion of new types of denaturants. It has been suggested to us that soap of saponin or soap liniment with 10 per cent acetone should be considered among such denaturants along with methyl propyl ketone and methyl isobutyl ketone. If need be, assistance may be sought from United States International Review Office, Washington. Valuable information is also contained in the U.S. dispensatory (USD 1960).

Effective Denaturants Required

As there are varied uses of industrial alcohol and as certain industries, e.g. synthetic rubber industry, anti-freeze chemical solvents, gasoline, rayon and plastics, surface coating industry, cellulose and resins, require large quantities of spirit, it is necessary that efforts should be made for effectively denaturing alcohol with a view to avoid its misuse as a potable liquor.

Misuse of French Polish and Thinners

The other spirituous industrial preparations frequently misused, particularly in dry states and dry zones are French polish and what are commonly called Thinners, used in paints. They are articles of common use and have very high alcoholic strength. There are no particular restrictions as to their sale. Anybody can purchase these things in any quantity. Such denaturants as are added are easily extracted leaving highly strong spirits which become readily potable by dilution with water. The pattern of their

misuse is the same as in the case of denatured spirits. It is difficult to control their supply or restrict their sale or to detect their misuse. They are popular in dry areas and with people who like strong drinks. Their advantage lies not only in their high alcoholic strength but also in the fact that no violation of law is involved. Beyond counselling the addition of an effective denaturant, it is difficult to suggest any other ready solution. The Government, however, can keep a watch over the quantities that are produced in areas where the demand for french polish and thinners is excessive and not warranted by genuine requirement for which they are really intended. The only other remedy is bringing home to the people the dangers which lurk if such substances are used as drinks.

Maintenance of Proper Records

38. The drug inspectors should check the names of the firms, chemists and druggists, to whom the spirituous preparations are being sold by manufacturing houses and these manufacturing houses should be required to maintain records of their sales with names and addresses of the firms or chemists and druggists to whom they make such sale. The drug inspector should visit such purchasers in order to ascertain that they are not bogus. The chemists and druggists should maintain a prescription register in which the details of prescriptions should be written. A suggestion was made to us that the chemists and druggists should be allowed to stock only one pound of spirituous preparations. This deserves consideration by the Government.

Misuse of Chloral Hydrate

39. We feel that this chapter will not be complete without a mention of the misuse of chloral hydrate. Chloral hydrate is a hypnotic and is used as such particularly in pediatric practice. The annual consumption of this drug for genuine medicinal use was estimated to be about 35,000 lbs. and most of this was manufactured by one firm in Baroda.

It has, however, been reported that large quantities of chloral hydrate were being misused by mixing it with toddy, liquor and other synthetic drinks. The use of chloral hydrate was reported to be prevalent particularly in the State of Andhra Pradesh. It is difficult to assess how many more persons are engaged in the manufacture of chloral hydrate as it is a very simple process of mixing alcohol and chlorine, both of which are available without much difficulty. We are informed that when reports of misuse of chloral hydrate came to the notice of Central Government, some specific action was taken to put a stop to such misuse and in particular the following steps were taken:

- (a) The import of chloral hydrate was altogether banned, and
- (b) Chloral hydrate was declared to be a poison and its sale by retail could be made only against a prescription by a registered medical practitioner.

Notwithstanding these measures, it is even now reported that large quantities of chloral hydrate are being manufactured and also put to clandestine use. Our attention was drawn to an advertisement which appeared in the Sunday Edition of Hindustan Times of the 16th February 1964 wherein Hindustan Insecticides, a public sector concern, invited offers from prospective buyers to purchase chloral hydrate of B.P. quality manufactured by this concern. We are emphatically of the opinion that such advertisements of

a substance which is liable to misuse should be avoided, especially by a factory which is under the Government control.

40. Although action has been taken to control the sales by retail against a prescription of a registered medical practitioner only, it seems, that at present there is no restriction on the sale of chloral hydrate on whole-sale basis to any interested party. We feel that this is a big lacuna and it should be plugged as early as possible. No sale of chloral hydrate should be allowed to be made unless it has been ensured that the party to whom chloral hydrate is sold is a *bona fide* concern which will utilise chloral hydrate only for genuine use. We strongly recommend that the provisions of the Drugs Act be suitably amended and, if necessary, chloral hydrate can also be included in the Dangerous Drugs Act and its movement and sale be controlled.

Recommendations made by the Committee set up by the Government of India

41. We understand that the Government of India in pursuance of the recommendations made by the Central Prohibition Committee set up in November 1961, a Departmental Committee consisting of representatives of various Ministries concerned with this problem. This Committee has made a number of useful suggestions for preventing misuse of medicinal, toilet and other such preparations for potable purposes. No action seems to have been taken on most of these recommendations. We strongly recommend that action should be taken to implement these recommendations. The Committee has suggested certain amendments in the existing schedule to the Medicinal and Toilet Preparations (Excise Duties) Act and have further recommended *inter alia* the following:

- (i) It is necessary to lay down standards for Ayurvedic medicinal preparations. This will necessarily involve the compilation of an Ayurvedic Pharmacopoeia. As the compilation of such a pharmacopoeia, will take considerable time, it is recommended that in the meantime standards should be established on a priority basis for a few commonly used Ayurvedic preparations containing alcohol, such as Asavas and Arishtas and it should be made incumbent that such Ayurvedic preparations should be made only according to the prescribed standards. Suitable provisions should be made in the Medicinal and Toilet Preparations (Excise Duties) Act that wherever standards are prescribed by the Central Government, the preparations covered under the Act should conform to them.
- (ii) Ayurvedic preparations should be brought within the purview of the Drugs Act, 1940. The Drugs Act should be introduced all over India and no manufacturing licence should be granted anywhere without a drug licence.
- (iii) It appears that at present, the authority issuing alcohol for the manufacture of medicinal and toilet preparations under the provisions of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, cannot use its discretion to curtail the quota or cancel it or even question the genuineness of the demand made by the manufacturer in respect of their requirements of alcohol. The aim should be to give enough powers to the alcohol issuing authority to ensure that this alcohol is not misused for nefarious

purposes notwithstanding the fact that the duty is properly, paid. Provisions should, therefore, be made under the Act or the Rules, empowering the licensing authority to satisfy itself about the *bona fides* of the requirements of alcohol in the case of every manufacturer and if the licensing authority is of the opinion that the quantity of alcohol demanded is not in conformity with the *bona fide* needs of the manufacturer, he should be given powers under some prescribed procedure to refuse the issue of alcohol or to limit its issue to a smaller quantity. For this purpose the following proviso shall be added under Rule 84 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956:—

“The licensing authority shall satisfy itself about the *bona fides* of the requirements of alcohol in the case of every manufacturer for fixing the quantity of alcohol under the licence. If the licensing authority is of the opinion that the alcohol demanded is not in conformity with the *bona fide* needs of the manufacturer it shall either reduce or refix the quantity of alcohol as it deems fit.”

- (iv) All medicinal preparations containing alcohol should be permitted to be manufactured only in bond. This single step, effectively enforced, will reduce the misuse of medicinal preparation for potable purpose to a great extent.
- (v) Before any consignment is released from bond, samples should be taken and have these tested not only to determine the alcoholic content of the product but also to verify whether the preparation conforms to prescribed standards. It is, therefore, necessary that the inspectors under the Drugs Act should also take samples of every consignment and no consignment should be allowed to be released from the bond unless the drug control authorities are satisfied that the preparation is according to the prescribed standards. In order to minimise any inconvenience to manufacturers, result of tests on samples should be made available within 72 hours of the drawing of the sample. However, if it is not possible to get a report within this period, the consignment may be released without prejudice to any action that might be taken by the authorities in the event of the sample being found to be below standard. To avoid harassment and bottle-neck, each state should have the facility of a laboratory manned by qualified persons for testing purposes. It is recommended that authentic samples of the different preparations which a manufacturer is licensed to manufacture should be maintained by the excise staff at every bonded warehouse. A preliminary visual examination of the preparation will give an indication whether any sample corresponds to the genuine sample. It is desirable that the excise staff employed for this purpose should be qualified chemists or pharmacists.
- (vi) All proprietary preparations containing alcohol should be allowed to be manufactured only after approval of these is obtained from the Drug Control Authorities and such preparations are duly licensed under the Drugs Act. There should be a greater co-ordination between the excise authorities and the Drug Control Authorities.

- (vii) At present the Standing Committee constituted under the Medicinal and Toilet Preparations (Excise Duties Act) does not have a statutory standing. It is necessary that the Standing Committee should be a statutory authority and this should be done by amending the Act, if necessary. It is also necessary that the composition of the Standing Committee should be enlarged by incorporating therein a pharmacologist and a representative from a prohibition state and a representative from a non-prohibition state.
- (viii) The Indian Pharmacopoeia contains at present 45 alcoholic preparations. The number of alcoholic preparations should be limited to the minimum having regard to the actual medical needs of the country.
- (ix) There should be more intensive sampling and inspection by the inspectors appointed under the Drugs Act. Requisite staff and testing facilities for the purpose should be suitably increased.
- (x) Some effective and quantitative check on the manufacture of spirituous medicines—their clientele for tinctures, etc., is necessary so that one can form a realistic assessment about the genuine need of alcohol for medicinal purposes. This applies to Ayurvedic drugs as well.
- (xi) The provisions of the State Excise Acts and the Industries (Development and Regulation) Act, 1951, should also be invoked and fully utilised wherever possible to stop the misuse of medicinal, toilet and other such preparations for potable purposes.

Number of licences and quotas of alcohol issued under Medicinal and Toilet Preparations Act

Sl. No.	State	(Quantity in gallons)					
		1960-61		1961-62		1962-63	
		No. of Licences (3)	Quota (Gallons) (4)	No. of Licences (5)	Quota (Gallons) (6)	No. of Licences (7)	Quota (Gallons) (8)
(1)	(2)						
1	Andhra Pradesh	25	200,664	22	223,614	19	228,790
2	Assam	3	No fixed quota	3	NA	4	NA
3	Bihar		Not available		Not available		
4	Gujarat	21	153,890		Not available		
5	Jammu & Kashmir	3	12,000	4	12,000	4	12,000
6	Kerala	17	96,902	18	87,780	17	46,590
7	Madhya Pradesh	8	15,805	8	20,336	88	20,219
8	Madras	5	39,900	6	188,550	8	208,150
9	Maharashtra		Not available				

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
10	Mysore	13	72,527	13	77,376	13	N.A.
11	Orissa	2	2,229	2	2,937	7	12,649
12	Punjab	13	36,924	17	38,380	14	23,886
13	Rajasthan	25	229,600	10	23,000	13	29,000
14	U.P.	215	113,790	223	130,075	N.A.	N.A.
15	West Bengal	313	170,000	328	200,000	342	212,000
16	Delhi	27	23,460	29	28,080	30	31,650

Source : State Government's replies to the questionnaire issued by the Team.

The above statement shows huge quantities of alcohol issued under Medicinal and Toilet Preparations Act. We entertain no doubt that the bulk of it is being misused as potable alcoholic beverage.



सत्यमेव जयते

Chapter XXII

PREVENTION OF MISUSE OF MOLASSES

Rising Demand for Molasses

We had mentioned in an earlier Chapter that molasses is the main raw material for the illicit distiller of liquor in some of the states visited by the Team. This is especially so in certain regions, *e.g.*, Uttar Pradesh, Bihar, Punjab, coastal districts of Andhra Pradesh, Maharashtra, etc., where there is extensive cultivation of sugar-cane and molasses is a by-product of the sugar and gur industry. In these areas molasses is readily available to the illicit distiller. In our opinion it would facilitate better implementation of the Prohibition programme if it could be made difficult for the illicit distiller to obtain his supply of molasses, thus reducing the production of illicit liquor. We have examined the existing arrangements for the control and distribution of molasses in the states in this context and have come to the conclusion that the arrangements for distribution and the control to prevent misuse are inadequate.

Quantities Produced

2. Molasses is produced by the sugar factories working on the vacuum pan system, and the khandsari units. In the year 1961-62, there were in the entire country, 179 sugar factories which worked on the average 146 days producing 27,336,000 quintals. The recovery of molasses came to 10,943,000 quintals, the average recovery of molasses being 40 per cent. Similar information regarding the khandsari units is not available.

The Molasses Control Order, 1961

3. The distribution of molasses produced by sugar factories by means of the vacuum pan process is controlled by the provisions of the Molasses Control Order, 1961, issued by the Central Government under the powers, conferred by Section 18-G of the Industries (Development & Regulation) Act, 1951. This Order does not cover molasses produced by the khandsari units or the open pan system. The control is, therefore, partial and we have not been able to ascertain the reasons why molasses produced by the khandsari units and the open pan system has been left out of the distribution arrangement. An examination of the provisions of the Control Order reveals that even this Order provides many loopholes for evasion and is, therefore, not likely to fulfil the object for which it was promulgated. Clause 3 imposes restrictions on sale and the owner of a sugar factory is forbidden to dispose of molasses in any manner other than what may be specified by the Molasses Controller. Clause 4 places restrictions on removal of any molasses from any part of the factory except with the written permission of the Molasses Controller. Clause 5 requires the owner of a factory to provide (i) covered storage tanks for the safe preservation of molasses; (ii) adequate safeguards against leakage or any other accident likely to damage the quality of molasses; (iii) adequate arrangements to prevent the mixing of old and deteriorated molasses with fresh molasses; (iv) and adequate

facilities for handling of molasses including their pumping and loading into tank wagons and tank lorries etc. Clause 10 confers power of entry, search, seizure etc. upon persons authorised on behalf of the central or state government. The schedule to the Order fixes the price for the different grades of molasses as follows:

Grade of Molasses	Price
Grade I	67 nP. per 100 kilogram (Quintal)
Grade II	53 nP. per 100 kilogram
Grade III	40 nP. per 100 kilogram

The Molasses Controller is appointed by the state governments and we have not been able to obtain reliable information regarding the extent to which powers conferred by this Order have been exercised and how far such action has been effective in securing the purposes for which the Order was framed.

Sharp Divergence in Price

4. The prices of different grades of molasses under the Molasses Control Order have been fixed with a view to the production and supply of industrial alcohol at cheap rates to the rapidly developing plastic and other industries in the country which require considerable quantities of industrial alcohol for the manufacture of their products—plastics, synthetic rubber, polythene and other industries*. While the intention of the farmers is quite understandable, in actual working the fixation of prices at such low levels has given rise to certain malpractices. While the controlled price is very low, the price which molasses fetches in the open market is as high as 16 per 100 kilogram (a quintal) or even higher. This wide divergence in the controlled price and the market price has made it very difficult for the sugar factories to resist the temptation to sell molasses in contravention of the Molasses Control Order. They resort to questionable tactics with a view to securing rejection of their molasses by the distilleries to which the Molasses Controller allocates their production of molasses.

Rejected Molasses Fetch Higher Price

5. The distilleries can utilise molasses for manufacture of alcohol so long as fermentation by contact with water has not started. Molasses which is mixed with water is rejected by the distilleries. The sugar factories are big gainers by reason of this rejection. Paradoxical as it may seem, the sugar factories stand to make very high profits if the adulterated molasses

*The other uses of ethyl alcohol (C_2H_5OH) are the following: chloroform, iodoform, ether, acetic acid, alcoholates, phenacetin, antipyrine, dyes, smokeless powder, food preparation, sheep dips, plant washes, artificial leather, margarine, motor fuel, incandescent mantles, solid alcohol, anti-freeze solution, carbon removers, cleansers, polishing composition, dipping fluids, artificial flowers, essences, fats, cartridges cements, composition billiard and pool balls, spirit varnishes, enamels, paint removers, perfumes, cosmetics, toilet preparations, lubricating composition, photographic paper and plates, celluloid, plastics, rubber cements, disinfecting soaps, liquid and transparent soaps; as fulminate; cordite; solvent in extracting essential oils; preservative; and solved in condiments; illuminant; laboratory reagent; preservative for animal and plant specimens; general solvent; solvent and extracting medium for resins and waxes; solvent in making artificial rubber, rubber and rayon; in cleaning; polishing; etching; soldering colouring and lacquering metals; refining petroleum; dyeing and printing; silvering mirrors, etc.

is rejected by the distilleries. One way of securing rejection of molasses is to store them in open tanks. Rains do the needful and failing rains, a water hose can be usefully relied upon. The value of adulterated molasses thus exceeds by more than 25 times that of first grade unadulterated molasses. A major portion of the adulterated molasses goes into the stills of illicit distillers.

Covered Storage Space Inadequate

6. There are very few sugar factories which have covered storage tanks for the molasses produced and even where there are proper tanks provided, they are not sufficient to store the entire quantity of molasses. The result is that molasses stored in open tanks do get adulterated with water, if not by design, certainly by rain. Having regard to the prevailing prices in the market, it is in the interest of the sugar factories not to have covered storage as adulterated molasses goes out of the purview of the Molasses Control Order. We feel that considering the importance of alcohol to the growing industrial complex of the country the state governments should insist on the sugar factories providing covered storage tanks for their molasses. The co-operative societies should be assisted, if necessary, for this purpose. Incidentally, such action will restrict the flow of molasses to the illicit distiller.

Rejection Owing to Premature Fermentation

7. It has come to our notice that the quota of molasses allocated to distilleries was not lifted by them. The reason for not utilising their quota of molasses was not that the molasses could not be lifted on account of unavailability of tank wagons but because water having been added to the molasses they were not worth lifting. We do not entirely rule out, in a few cases, the circumstance of unavailability of tank wagons.

Diversion is Preventable

8. The bulk of molasses rejected and of molasses not allocated finds its way to the stills of illicit distillers. We also learnt that there is considerable scope for making invidious distinctions in the allotment of molasses of certain sugar factories. Some of the sugar factories are thus able to sell their molasses in the open market at twenty five times the controlled price. Adulteration with water comes to the rescue of the factories that are required to dispose of their molasses at controlled price to the distilleries. We are not called upon to fix the responsibility for the misuse of molasses. Several factors may be responsible and the blame may have to be apportioned. However, it is an undeniable fact that molasses is finding its way into the stills of illicit distillers in a big way and this is a preventable diversion. A solution which comes to our mind is that the State Governments should intensify inspection of factories and constitute a coordinating committee at the state level comprising representatives of the Excise Department, the Industries Department and the Cane Commissioner for the more efficient utilisation of the molasses of the sugar factories.

55 Per Cent Molasses go to Distilleries

9. We had requested the States to supply information regarding the production of molasses in the sugar factories, the quantity allocated to distilleries for industrial alcohol, quantities rejection and sold in the open market.

The information received is not complete. The following table summarises the information received so far. For example, out of the total production for the year 1962-63 of 6,40,203 metric tonnes of molasses, only 4,70,680 metric tonnes (73 per cent) were allotted to the distilleries. It cannot be said how much out of the allotted quantity was fit for utilization and actually utilized.

Statement showing Utilization of Molasses

(In Metric Tonnes)

Name of State	Production			Allotment to Distilleries		
	1960-61	1961-62	1962-63	1960-61	1961-62	1962-63
1. Andhra Pradesh	..	81,098	68,478	..	45,974	53,065
2. Assam	4,844	3,880	2,303	4,844	3,880	2,303
3. Bihar	169,034	157,227	59,562	82,523	86,652	59,509
4. Gujarat	..	..	14,809	..	..	3,380
5. Jammu & Kashmir	..	..	..	..	203	203
6. Kerala	..	..	5,603	..	..	4,748
7. Madhya Pradesh	..	14,061	..	..	3,277	3,708
8. Madras	..	..	49,675	..	..	15,000
9. Maharashtra	..	1,61,874	..	..	79,500	..
10. Mysore	..	43,400*	..	..	..	18,000*
11. Orissa	..	..	..	..	..	..
12. Punjab	49,884	42,406	23,253	12,992	17,692	18,491
13. Rajasthan	..	..	..	..	..	..
14. Uttar Pradesh	573,729	487,060	406,786	361,133	352,364	297,273
15. West Bengal	..	..	5,000	..	..	5,000
16. Pondicherry	11,295	4,350	4,734	..	..	..
			640,203			470,680

*Approximate.

Khandsari Units

10. The khandsari units produce molasses on a large scale. They are outside the purview of the Molasses Control Order and are, therefore, free to sell their molasses to whomsoever they like; and naturally the choice falls upon the highest bidder, and he is the illicit distiller. The figures about total production of molasses by the khandsari units are not available. It is contended that as the khandsari units are scattered all over the states collection of molasses from them at a few central places involves difficulty and expense; and in some areas it is used as food (Eastern U.P. and Bihar) and cattle feed. The states have, therefore, made no attempt to allocate khandsari molasses to the distilleries. Khandsari producers work and re-work their molasses and can finally make molassine gur out of it. When gur is in short supply and the price of molassine gur is high, the producers will be least interested in delivering their molasses to industrial and other users. In that case illicit liquor will be made from molassine gur instead

of from molasses. we do not wish to minimise the difficulties of enforcing an order requiring the khandsari units to dispose of their molasses according to the directions of the government. Considering their actual and potential threat to the prohibition programme, we would suggest for the serious consideration of the state governments that suitable arrangements be devised for utilisation of molasses of the khandsari units by the distilleries, *i.e.* collection at a few centres and their transport to the distillery.

Industrial Alcohol in Short Supply

11. New industries like Polythene, Plastics, Synthetic rubber require large quantities of highly concentrated industrial alcohol. In West Bengal, we were told that one concern, *i.e.* Alkali Chemical Corporation of India, alone requires seven million gallons and because of the unavailability of alcohol, the plant had been shut down. In U.P. the synthetic rubber plant at Bareilly will require more than 10 million gallons of industrial alcohol and even if all the molasses produced by the sugar factories in the State are utilised, that may not be sufficient. The new industries' requirements of industrial alcohol could be met—at least partially—if the molasses produced in this country could be fully utilised for the manufacture of industrial alcohol. These industries are definitely suffering because of the inadequate supply of industrial alcohol, which in turn is attributed to inadequate availability. We were also told in Calcutta that in the open market, the price of molasses ranged from Rs. 14 to Rs. 18 per cent 100 kilogram. This, in our opinion, is a serious situation and government should devise ways and means to ensure that the molasses is properly utilised and that it does not find its way to the illicit distiller, to the detriment of the country's essential industries.

Molasses for Curing Tobacco

12. Apart from the requirements of the distilleries, the other legitimate uses of molasses are for curing tobacco, for manure and cattle feed. In some parts the poorer sections use molasses as food. But the quantity of molasses required for these purposes is very small. After adequate quantity of molasses is reserved for bona fide use by tobacco curer, etc., disposal for other purposes in the open market should be watched carefully and prompt steps ought to be taken to curb abuses.

Export of Molasses

13. Even on the assumption—for which there is hardly any basis—that molasses is in over supply, the surplus can be allowed to be exported to earn valuable foreign exchange. The f.o.b. price of molasses is not less than Rs. 60 per ton and may be much more. It is the export industry which, because of the high export price, will be in a good position to compete favourably with the illicit distiller. Through competition from export of molasses and other priority uses of molasses the illicit distiller may be prevented from purchasing his raw material at a low cost.

14. The illicit distiller is making enormous profits and encouraging inebriety with all its attendant evils; and in the wet States, he is also robbing them of their revenue. We feel that a rigid control over the distribution of molasses will prevent the prevailing misuse, by putting it beyond the reach of the illicit distiller and this will certainly help to control their anti-social activities.

CHAPTER XXIII

THE CONTROL OF OTHER RAW MATERIAL

Control of Raw Material is a Difficult and only a Partial Solution with Other Measures.

Even as the legal solution, the administrative solution and the control of toilet and medicinal preparations are only partial solutions and require for their complete success the aid of other measures, the control of raw material used for the manufacture of alcoholic drinks must be deemed to be a partial solution too. We stress that the effectiveness of this last-named control will be thorough only if the profit margins in the manufacture, carrying and sale of illicit liquor and allied preparations are slashed so considerably that not much is gained by indulging in this trade anyway. To the extent that illicit activity persists because of some small gains, the control of raw material may be feasible. If the profit margin was say, less than 50 per cent. over cost, a move which makes the procurement of raw material difficult or more expensive will no doubt make a dent into profits and root out the activity. But with a range of profits of 100 to 1000 per cent., control of raw material becomes ineffective for the same reason for which the control of medical and toilet preparations and, for that matter, the legal and the administrative solution become ineffective. Our discussion in the following paragraphs regarding the control of raw material has therefore to be interpreted as being only a partial solution to be flanked with other rigorous measures of containment of illicit activity. The base material for liquor is abundant and widely diffused.

2. The point with raw material control is that liquor can be manufactured through all sorts of ingredients. The items which constitute the base for liquor range from molasses, jaggery, mahuwa flowers and rice to oats, neera (the liquid from many a variety of palm tree) and other ingredients; similarly, the adulterants and the catalytic agents which bring about or hasten fermentation also are of a large variety ranging from chloral hydrate and ammonium sulphate to nausadar, rotten meat, rotten orange peels, rotten fruit and so on. Rottenness might almost appear to be the hard core of the ingredients. The point with both the basic material and the fermenting agents is that they are available very easily and everywhere and in very large quantities. What is more, they are used not merely for the preparation of alcoholic liquors but are put to very essential uses by a mass of humanity. This is very true of rice and of sugarcane preparations like molasses and jaggery and equally true of ammonium sulphate. As regards the abundance of these materials it is easy to see that mahuwa flowers in certain regions and palm trees of a great variety in others are very common. Similarly, molasses and jaggery in the regions growing sugarcane, and rice in the rice-producing regions, are products of great abundance. It is these two characteristics, viz., (i) great abundance in supply and (ii) alternative and important uses of these products, that make the control of these raw materials extremely difficult. One might, therefore, at the very outset confess to the near impossibility of a thorough control.

Gur Constitutes a Major Leakage

3. Apart from the control of molasses which we have discussed at some length in the previous chapter, jaggery or 'gur' itself is an important base for the manufacture of liquor. Both jaggery which is fit for human consumption and that which is unfit for this use are good enough substances for the manufacture of contraband liquor. In fact, in a state like West Bengal where sugarcane production is small and there are only a very few sugar mills operating, not much molasses is available anyway. Producers of illicit liquor prefer to buy jaggery rather than molasses since jaggery yields a great deal of liquor from a relatively small quantity while molasses has to be carried in large bulk to yield the same quantum of liquor. It would, therefore, be necessary to control the use of jaggery as well as of molasses and this is by no means an easy matter. The main complication arises from the fact that jaggery is an ordinary consumer good of daily use for a huge mass of population particularly in rural areas and it is unthinkable that its allotment could be made only for a few priority uses. Thus an important basic material for the manufacture of liquor cannot be controlled effectively inasmuch as it is an ordinary consumer good of daily life. Moreover, it is produced by the open pan system in a diffused manner practically all over the country.

Molassine Gur is Another Leakage

4. One of the varieties of gur obtained by Khandsari units is gur made out of molasses. This is called molassine gur. If the price of gur rises because of high demand or other factors, the Khandsari producers make molassine gur out of their molasses and sell it at a high price. In other words, instead of parting with their molasses they prefer to produce molassine gur and keep the profits of this gur themselves. Molassine gur is then used to produce liquor even as ordinary gur or molasses could be used. Here lies another source of leakage, from Khandsari units.

Other Base Material for Liquor Readily Available

5. The diffused production or availability of other materials such as rice and Mahuwa makes it even more difficult to control the misuse of these items than is the case with jaggery or molasses.

6. We conclude, therefore, that while the control of raw material can be attempted in a manner more thorough than hitherto prevalent, the total control of raw material base is not possible. The only way of effectively controlling the situation is to combine attempts at raw material control with other measures enumerated elsewhere in this Report.

CHAPTER XXIV

THE RELATIVE SUCCESS OF PROHIBITION IN GUJARAT AND MADRAS

As one moves from Greater Bombay to Gujarat and Madras one sees a remarkable difference. The situation in Gujarat is much more relaxed. Both those who are protagonists of prohibition and those who are against it concede that illicit activity is rather limited in scope. It is not as though the dry areas of Gujarat and Madras do not have their proportion of vehement opponents of prohibition as well as sober ones. But, by and large, the evil of illicit distillation, by common consensus, is well under control. We were keen on discovering the reasons for the relative success of prohibition in Gujarat and Madras (relative to Maharashtra) from the point of view of the total consumption of alcoholic liquors and the containment of illicit distillation. A good deal of sorting out of evidence and information leads us to the conclusion that the following factors are responsible for this relative success.

Reasons for the Relative Success are Many

2. The propensity to drink intoxicating liquors is, in the first place, rather lower for Gujarat and Madras, as far as we could judge, compared to many other areas such as Maharashtra and Punjab. This in itself would make a difference to the demand for liquor and hence to profits.

3. Secondly, the hold of tradition and religion is quite strong and this, in fact, is a very noticeable phenomenon in Gujarat. The Gandhian influence is marked and obvious and while women invariably do not drink, men drink to a much smaller extent than elsewhere.

4. Thirdly, both Gujarat and Madras have had a previous preparation before the imposition of total prohibition. It was not as though prohibition was suddenly enforced one fine morning. Educational activity, picketing, persuasion and publicity were not lacking for several years before prohibition was brought in. Both Gujarat and Madras, and the former in particular, have a strong and devoted group of social workers and public men and women whose opinion carries weight. In Gujarat, we came across numerous workers who are enthusiastic and sincerely devoted to the cause of prohibition and have been doing extraordinarily useful work towards this end. It is difficult to get away from the impression that the community in general respects these individuals, both men and women, and that they had played a distinct role in keeping the propensity to drink much lower than what it would otherwise be.

But Leakages Exist Even in Gujarat and Madras

5. While all these are important factors which keep the demand for liquor low in Madras and Gujarat and hence narrow down the scope of illicit distillation, we should be overlooking a very important factor in the

situation if we did not mention some important leakages in the system. These leakages are on the supply side and can be mentioned as important factors in the containment of illicit distillation. To say that these leakages exist is not, however, to deny the relative success of prohibition policy in Gujarat and Madras relative to other states.

There are at least five leakages which keep illicit distillation limited in scope

6. These leakages which go to satisfy the propensity to drink are:

- (a) in Madras where toddy trees are widely diffused and in Gujarat where they are mostly concentrated in a single belt on the eastern side, there is widespread illicit tapping partly because the tribal population from time immemorial has developed a high degree of skill in tapping and partly because of illicit tapping is difficult;
- (b) the long sea-coast of Gujarat and Madras facilitates smuggling of alcoholic preparations which satisfy the appetite of the sea-faring and other coastal population;
- (c) in Gujarat the ex-Portuguese pockets of Daman, Diu and Nagar Haveli and in Madras the former French possession of Pondicherry and Karaikal have their permitted supplies of locally produced or imported liquor as well as supplies of smuggled liquor which are above local needs and hence leak out into the rest of the states;
- (d) the leakages from armed forces canteens, legations etc. to which we have referred in detail elsewhere;
- (e) and finally, the smuggled liquor and alcoholic preparations from neighbouring states.

We were told in Hyderabad that the government of Andhra Pradesh issues permits for the 'export' of tinctures to the tune of some 2,50,000 bottles (smaller than quart bottles) and that much of this 'export' is known to find its way into the state of Madras. Similarly, the orders for much of the chloral hydrate manufactured in Andhra Pradesh are known to emanate from the state of Gujarat.

7. Official agencies seem to be aware of these leakages. The point is that as supplies of intoxicants through these leakages go to satisfy part of the demand, the business of the illicit distiller is hit hard and the scope of his activity is narrowed down in a considerable measure, precisely because of these leakages. One must, therefore, while underlining the relative success of prohibition and the obvious gains achieved in Gujarat and Madras, refrain from accepting unqualified success for prohibition laws in these states. To these states we counsel vigilance and the necessity of more intensive effort.

CHAPTER XXV

THE ATTITUDE OF WET STATES TOWARDS LIQUOR REVENUE

The Present Policy of the Wet States

In the wet states a good deal of emphasis is laid on the liquor revenue which the governments are reluctant to give up. From the point of view of prohibition, it is this particular attitude and insistence that more than any thing else, stands in the way of compliance with the Directive Principle as to prohibition. The public revenues from liquor during the current financial year are assessed to be approximately Rs. 57 crores which is about 5.2 per cent of the total revenue (Rs. 1,111 crores).

2. When the policy of excise revenues was adopted by the Government of India in the well known resolution of September 7, 1905, the intention was indicated to be the realisation of the "Maximum revenue with minimum consumption".

Revenue has been mounting and has increased from about 38 crores in 1957-58 and to approximately 57 crores during the year 1963-64. But the governments concerned have gone back over the minimum consumption policy. Consumption has been studiously fostered and deliberate efforts are being made to raise this source of revenue by making more and more people drink *vide table below*—

Licensed Sale of Liquor (Wet Areas)

(In '00 gallons)

Year	I.M.F.L.	Indian manufac- tured beer	Country Liquor	
			distilled	fermented
1958-59	5,263	14,048	81,832	1,75,824
1959-60	5,738	14,710	94,952	5,04,605
1960-61	7,125	17,941	1,06,099	4,58,534
1961-62	9,500	19,173	1,09,679	4,62,538

When by maximising taxation consumption is not minimised but increased, the policy is obviously not being implemented.

Wet States Encourage Indulgence

3. The picture which we now have of the wet states, is of increasing consumption. In order to realise this revenue the states have to encourage, if not, instigate the citizen to drink—the more frequent and excessive the libations, the better for the state's treasury. The large

revenues cannot be secured without proportionately large consumption of liquor; and the attitude of the wet states on this account has been that of encouragement. Whereas, by word, lip homage has been paid to prohibition, by deed, drinking has been fostered by the states in pursuit of higher income. Not only are the wet states lukewarm towards prohibition, but there is noticeable an under-current of hostility thinly veneered by expressions of pious wish unaccompanied with any effort. The obstacles and difficulties resulting in giving up of revenue and of enforcement have been exaggerated; and the corresponding benefit likely to accrue has been minimised.

The Debit Side

4. It may be comforting for the states to look at the rising graph of liquor taxes and to derive questionable satisfaction at their mounting revenue. There is no gainsaying the fact that consumption of alcoholic beverages brings to the government large income. We are willing even to concede that the high potential of this revenue is being increased year to year. But certain basic facts regarding revenue from liquor need being borne in mind. When states are entering on the credit side of their ledger the liquor revenue, they are apt to omit from the debit side enormous expenditures involved in items like the cost of maintenance of convicted inebriates in jail, of alcohol caused crimes; cost of investigation and the conduct of cases in courts in which intoxicating beverages have played a part; of damage done to persons and property; of hospitalisation because of alcohol caused diseases; of absenteeism in factories and loss in hours which are a dead loss to production as also to the wage-earner; damage done to machines and shorter life span because of drinking.

Expenditure Side Overlooked

5. No assessment of these and numerous other costs has or perhaps, can be, made. If all these costs are taken into account, those on the debit side, will more than offset what is brought on the credit side. If these figures could be worked out, the revenue earned would shrivel. No state, so far as we are aware, has made an assessment in terms of loss of money by reason of anti-social behaviour of inebriates. No statistical compilation has been attempted of the economic loss due to drunkenness. For, otherwise, attitude of the wet states would not have been so favourable to the high revenue producing liquor industry. Government are assuming more functions and they are in search for revenues from other avenues. The governments' unwillingness not to ban a heavily taxed industry is understandable. But sufficient thought does not appear to have been given to the seamy side and from the cost point of view, if not, from the angle of hazards to life, health, property, good morals and discipline. On the expenditure side, anti-social behaviour due to inebriety must add up to large figures. By looking only at the credit side and overlooking the debit side, one can only get a distorted impression.

Abetment of Instigation

6. The revenue collectors in all conscience have to admit that in turning sober people inebriate, the casual drinkers, compulsive drinkers, in breaking homes, in impoverishing people, in endangering health, life and property, in increasing traffic hazards and in bringing about all the evils

associated with **drunken** irresponsibility, they have a hand in this design to despoil people. The excise department as much as the liquor business must share the responsibility. Both agencies are abetting and instigating the sober to lose their sobriety; the drinkers to drink heavily.

Vice Breeding Revenue

7. Another consideration which deserves to be borne in mind by the governments is to prevent the people from spending money on objects which under-mine their health and also lead them to resort to anti-social activities. Vast sums are being spent on alcoholic liquors which are not only unproductive but which are definitely injurious. No doubt intoxicating beverages are revenue earning, but they also vice-breeding and ill-health promoting. A revenue structure on the foundations of intoxication can ultimately prove to be suicidal. If drinking, because of its income raising property, is allowed to strike root among the people, the government may have, to rue the day when it produces a rich crop of vice, disease and alcoholism. The Western countries are becoming progressively alive to the dangers and now are making frantic efforts to stem the tide of alcoholism. No state is a gainer by the liquor revenue as the cost of accidents, crimes, destitution, want and health and hospitalisation overbalances the revenue realised.

The Factual Position

8. When the governments concerned shy at the thought of giving up a lucrative source of income, they rarely take into consideration the much larger sums which the tax-payer is required to part with in order to put into the State treasury the liquor revenue. In order to give to the state a certain sum by way of tax, he must purchase liquor the price of which far exceeds the collective tax. Of course, he is not expected to buy his drink at the price of the tax, he has to pay several times more in order to cover the investment and the profits of the liquor trade, of the middleman and of a chain of people engaged in various operations till the beverage reaches the drinker's stomach. He has also to pay the cost of the consequences, direct, indirect and even vicarious, after he has consumed the drink.

The State Policy and the Liquor Industry Offer Temptation

9. Liquor industry, as it has been contributing large revenue, has also received sneaking sympathy and encouragement. In so far as the alcoholic beverage industry has been enriching the public treasury, the attitude assumed by a number of responsible people has been that of social irresponsibility. Those interested in large revenues for the states and in high lucrative profits for the industry have joined hands to defeat the Directive Principles. It is mostly the allurements of large revenues which tempts the states to turn blind eye to the exactions which are unconscionable. The states cannot earn large revenues; and the liquor producers cannot make big profits unless the ignorant are inveigled and the weak are wheedled into drinking to their detriment.

An interesting parallel

10. An interesting parallel is furnished by the repeal of the Gin Act in 1743. Lord Chesterfield in his famous speech dated February 21, 1743 in the House of Lords, commenting upon the attitude of the Government, observed:

Observations of Lord Chesterfield

"Luxury, my lords, is to be taxed, but vice prohibited, let the difficulties in executing the law be what they will. Would you lay a tax on the breach of the ten commandments? Would not such a tax be wicked and scandalous; because it would imply an indulgence to all those who could pay the tax?"

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"The specious pretense on which this bill is founded, and, indeed, the only pretense that deserves to be termed specious, is the propriety of taxing vice; but this maxim of government has, on this occasion, been either mistaken or perverted. Vice, my lords, is not properly to be taxed, but suppressed; and heavy taxes are sometimes the only means by which that suppression can be attained. Luxury, my lords, or the excess of that which is pernicious only by excess, may very properly be taxed, that such excess, though not strictly unlawful, may be made more difficult. But the use of those things which are simply hurtful, hurtful in their own nature, and in every degree, is to be prohibited. None, my lords, ever heard, in any nation, of a tax upon theft or adultery, because a tax implies a license granted for the use of that which is taxed to all who shall be willing to pay it".

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"..... It appears to me, my lords, that if so formidable a body are confederated against the virtue or the lives of their fellow-citizens, it is time to put an end to the havoc, and to interpose while it is yet in our power to stop the destruction".

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"With regard to the operation of the law, it appears to me that it will only enrich the government without reforming the people; and I believe there are not many of a different opinion. If any diminution of the sale of spirits be expected from it, it is to be considered that this diminution will, or will not, be such as is desired for the reformation of the people. If it be sufficient, the manufacture is at an end, and all the reasons against the higher duties are of equal force against this; but if it be not sufficient, we have, at least, omitted part of our duty, and have neglected the health and virtue of the people.

"When I consider, my lords, the tendency of this bill, I find it calculated only for the propagation of diseases, the suppression of industry, and the destruction of mankind. I find it the most fatal engine that ever was pointed at a people; an engine by which those who are not killed will be disabled, and those who preserve their limbs will be deprived of their senses".

The revenue-oriented attitude of the wet States is not dissimilar, and the arguments relied upon by Lord Chesterfield are applicable with equal force.

The Immoral Side

11. A distinctive feature of the liquor revenue is that it is collected at the time when the tax payer is less sober, mentally vulnerable and less capable of resisting temptation. Moreover, the bulk of the liquor revenue

comes from the backward and economically poorer classes of the community. It is a notorious fact that excise duties are regressive and inequitable, as the brunt is borne by the poorest section of the society. In the words of Dr. Jivraj Mehta :

Fleeing the Poor

"The excise tax amounts to fleeing a poor man when he is inebriate or pinching the pockets of a wretched man, when he is drunk."

During the year 1961-62 the excise revenue from country liquor was about Rs. 20.74 crores as against the excise revenue of Rs. 1.87 crores for I.M.F.L. It is significant that the major part of excise revenue comes from the consumers of toddy and cheaper liquor. The excise revenue does not take into account the capacity of the taxpayer to meet the state's demand. In order to pay higher liquor tax, his efficiency to work and produce becomes less as he can only pay more by drinking more. We agree with the recommendation of the Prohibition Enquiry Committee (1954-55) stating :—

"We have, therefore, no hesitation in recommending that this tax should be wiped out at the earliest. It has no justification to exist in a progressive tax system."

An Unjust Tax

12. An argument which is advanced in favour of liquor revenue is that it is painless and the drinker is hardly aware of it at least not after his first drink. It is like bleeding after giving an analgesic. A just tax is that, the willingness to pay which can be measured by the intelligence of the purchaser. The liquor revenue does not take into account either the ability of the taxpayer to pay or the fact that in order to pay "maximum revenue", he must impair his efficiency as well as his will to work. A sober person buys goods according to his needs or according to his pocket, but this is not true of the inebriate. He is required to pay his taxes by dulling his deliberative faculty. It is far more equitable that people should pay taxes, while conscious of the pain rather than their pockets be filched when they are inebriate.

Sales Tax is a More Equitable Substitute

13. In contrast to the excise tax, the sales tax is more equitably spread over those, who can afford to pay, depending not upon the misfortunes and miseries of the drinking classes, but on the rising living standards through affluence. Unlike the excise revenue, the sales tax imposes lesser burden on the poorer sections of the community. Addressing the First Asian Session of the Institute of Scientific Studies for the Prevention of Alcoholism in Bombay in 1956, Dr. Jivraj Mehta observed:

Dr. Jivraj Mehta :

"Apart from the long range economic benefits of Prohibition the immediate problem of making up the loss of revenue is not of an insuperable nature. The efforts of Prohibition States are an example for other states. The yield from only one source that is sales tax, has amply compensated the fall in revenue resulting from Prohibition because the money saved from drinks

is used in purchasing articles from which sales tax is collected or is utilised in visiting cinemas or other entertainments thus yielding larger entertainment duty to the states. The revenue foregone under Excise in 1939 when limited Prohibition was introduced in Bombay Province was more than made up by the imposition of a tax on immovable property in certain selected urban areas, and since 1945, the loss of excise revenue has been more than made up by receipts under Sales Tax and under entertainment duty.”*

14. The advantage of the sales tax is that this burden is equitably borne by the entire community according to the individual capacity of the taxpayer. Sales tax is paid by a person who is sober and in possession of all his faculties and when he has got a choice to buy or not, whereas excise tax is exacted when a person's faculties have been impaired by the very commodity on which he is asked to pay tax.

The reallocation of expenditure in family budgets occasioned by diversion of the money saved on the drink bill, in the case of people who have stopped drinking in dry states, has directly increased the revenue derived from consumer expenditure taxes.

A Fallacious Argument

15. A favourite argument we have come across is that Prohibition, from a monetary point of view, is a very expensive hazard. It has been argued that Prohibition not only prevents the states from realizing a painless revenue of crores of rupees, but the state have to incur enormous expenses on enforcement of the dry laws. This contention, no doubt, is weighty when one looks at it superficially. We do not wish to minimise the fact that the immediate impact of prohibition on the revenues is certainly going to be as contended, i.e., lesser resources and more expenses. The anti-social elements lured by the disappearance of competition from the licit liquor business will be tempted to produce liquor illicitly and a majority of the drinkers will fall for the bait and may, in a number of cases, enter into a conspiracy with the suppliers of drink. This will mean a tremendous strain on the enforcement agency, which may further be weakened by bribery and corruption. The liquor trade, it is said, will continue to thrive though it will go underground.

Effective Resistance to Liquor Onslaught

16. We, however, are quite confident that if during the earlier waves of this onslaught of liquor crime is resisted with determination and strong hand and at the same time, intensive educational work is being done from all sides, in the years to come the enforcement will have an upper hand and the wet interests will ultimately be fighting a losing battle as the drain on the Exchequer will progressively decrease. Of course, if the resistance to the wet attack is indifferent, half-hearted and the anti-social interests are permitted to ply their business unchecked, then the fears expressed may turn out to be well-founded. The resoluteness and determination on the part of the forces of law is a pivotal factor.

*Report of the First Asian Session of the Institute of Scientific Studies.

The Ultimate Gain

17. It is not deniable that there is going to be more thrift and more deposit in the banks with lessening expenditure on drink, apart from other advantages. Shri Bharathan Kumarappa, who has had an occasion to study the problem at close quarters in U.S.A. during the days of prohibition and also of Repeal, observed :

Shri Bharathan Kumarappa :

“In deciding whether a venture is worthwhile or not we have to consider its cost on the one hand and on the other the gain we may expect from it. If the cost is more than the gain, then the venture is futile and should be given up. Let us examine Prohibition from this point of view. On the other side of gain, looking at it purely from the monetary angle, there is money otherwise spent by the nation, on drink and the money which will have to be spent by government on crime and disease caused by drink when they do not have prohibition. Strike the balance and judge for yourself whether Prohibition is worth while or not. To state it in simple terms where a drunkard pays Re. 1 as tax on his drink, he pays at least Rs. 3 more for his drink. Through Prohibition the state has lost Re. 1 it would have got from his drink but the consumer has saved Rs. 4 which remains with him for other expenses. The state's loss is as nothing compared with the gain to the consumer. For what does this Rs. 4 gain to the consumer mean. It means better food, better housing, better health and education and therefore, greater efficiency. And when the consumer spends more he stimulates production. Thus let us say the nation buys more cloth. It will mean growing more cotton more manufacture of cloth and therefore more employment more trade and greater prosperity. Thus what the state lost in the way of drink revenue can be more than made up by more revenue derived from the efficiency and prosperity of its people. After all a state derives its revenue only from its people. When they are poor, the state is poor. So the state should do all it can to promote the well being and prosperity of its people. If on the other hand for the sake of immediate returns, it promotes drink among its people, it is pursuing a suicidal policy for the people becoming ill-nourished and impoverished, become less and less able to pay it revenue. Therefore far from Prohibition being too costly, it is drink and the revenue derived from it that are too costly for a poverty-stricken nation”.*

State an Ultimate Gainer

18. The state is also an ultimate gainer because the industrial effect of prohibition will be highly advantageous to production. The foreseeable advantages are that the disciplinary problem of dealing with inebriates among the mass of wage earners who will have more money to spend or drink involved crime, will be less. There will be a full force at work even after pay days because the chief ground for absenteeism will disappear.

*‘Why Prohibition’—Bharathan Kumarappa, Navajivan Publishing House, Ahmedabad

Efficiency is bound to increase when the workers are removed from temptations with its moralising influence. There will be affluence and demand among the mass of wage earners who will have more money to spend or to save. Herbert Hoover, as Secretary of Commerce, observed:

“There can be no doubt that prohibition is putting money into the American family pocket book. The dry law has proved its worth in dollars and cents.”

Productive Utilisation of Money Saved from Drink Bill

19. With the improvement of the general economic conditions of the people, with increase in production, with thrift and with the realisation of the advantages of prohibition, the hands of the forces of law will be materially strengthened. From a purely monetary angle the loss of revenue may be felt in the earlier years but not in the years to come. The loss in drink revenue and the added cost of enforcement should be more than met when three or four times the money spend in meeting the revenue demand will be left with the consumer, after of course, allowing for a fraction of the amount going to the illicit liquor trade. The large gain to the consumer apart from the benefits of better living conditions and improved efficiency, will stimulate production. With the improved living conditions when the money saved from the drink bill is put into circulation there will be more manufacture, trade and greater prosperity. Thus the money saved on drink revenue when capitalised brings in various ways more revenue to the state under different tax heads.

Experience of Dry States

20. The views we have expressed are not merely wishful. The three completely dry States have not suffered in development, by reason of the loss of excise revenue. Their material progress has not been put back and the people are not groaning in consequence of the imposition of new and heavy taxes. The fear is more fanciful than real if the Centre makes up the loss to the extent of 50% during the initial period. In the meanwhile, other sources of revenue may be tapped.

CHAPTER XXVI

LIQUOR STRENGTH REDUCED TO INCREASE CONSUMPTION

The policies of certain state governments *vis-a-vis* their claims at reducing consumption of liquor are incomprehensible. It has been decided by a state government that the alcoholic content should be reduced from 80° to 60°. It was impressed on us that, that was the first step towards prohibition and that progressively the liquor content is to be reduced till the objective of prohibition is achieved. To us it appears that the decision is diametrically opposed to the professed objective of the government. This step has been taken to increase its revenue on liquor rather than towards achieving prohibition. The Excise and Taxation Commissioner has circulated information to the managers of all the distilleries in the state that, with effect from 1st April, 1964, the strength of country spirit saleable in the state would be 40° u.p. The following instructions to the distilleries have been sent :—

“... You should, therefore, arrange sufficient production of country spirit and stock of empty bottles of all sizes well in time. It is further indicated that the total anticipated demand of country liquor in the state is expected to be about 57 lakh LP litres, *i.e.* about double the quota in 1962-63. You are please directed to make the necessary arrangements for production and bottling of the country liquor.”

According to the new policy of the state, *i.e.* of reducing the liquor content, the Excise and Taxation Commissioner of the state says that he anticipates that—

“the requirements of the state of country liquor would be anything between 50% and 100% more than in the corresponding period of the previous years”.

2. At certain places, sales had gone up even above 100%. The distilleries are required to maintain adequate stock of country liquor to meet the increasing demand.

Sometimes there is a conflict of interest between the requirements of the state and those of the armed forces. The state wants that the distilleries should increase the output of country liquor as that would correspondingly bring higher revenues. The Chief Director of Purchase thinks that as the supplies of rum for Defence Services are required urgently for operational purposes, it must necessarily be given first priority as against country liquor. But this particular state sent directions to the distilleries to convert all spirit with them into country spirit and that the molasses should not be converted into rum which is required by the armed forces. The Department of Food of the Central Government has been requesting the Excise & Taxation Commissioner of the state that the supplies of rum are required for operational purposes and, therefore, they should—

“be given top priority as against country liquor and the ban on bottling rum for Defence Services should be lifted”.

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CHAPTER XXVII

THE NATURE AND PATTERN OF DRINKING IN INDIA

This chapter is concerned primarily with the demand for liquor in dry and wet areas and attempts to analyse the demand in its various aspects. As the reader will see, the limitations of data are writ large on this analysis but the attempt is to press into service such data as are available and make such assumptions as appear to be most feasible in the light of our observations in different parts of the country.

2. By the phrase 'drinking pattern' one understands several things. Our attempt here is to obtain an idea of the propensity to drink in different States of the country and among different income or expenditure groups. We also wish to have an idea of the income-elasticity and price-elasticity of demand for liquor, that is to say, the percentage by which demand for liquor changes if incomes change by one per cent and if prices change by one per cent. This, as will be seen later, has an important bearing on liquor price policy and tax policy. Finally, we take account of yet another aspect of drinking pattern, namely, the types of drink that are in demand and a few characteristics of these drinks, especially their proof strengths and alcoholic contents.

DRINKING PATTERN FROM FAMILY BUDGETS

3. It is not easy to give a reasonably comprehensive picture of the drinking pattern of a large society, especially in a socio-cultural set-up where drinking of intoxicating liquors is at best looked upon with disfavour and at worst is taboo. In such a set-up there is a general tendency among people to hide the fact of drinking or to understate the quantity and the value of liquor consumed. The matter is complicated further by the fact of wide variations in the drinking habit among different sections of the community. There are large groups in Indian society which do not drink at all while there are some groups in which drinking is rather common and traditional not only amongst men but also amongst women, and is not frowned upon. In between these extremes, there is a small section which indulges in drinks occasionally more on the sly than openly.

A Study of 21,197 Working Class Families was made

4. No comprehensive and nation-wide study of the drinking pattern is available. The National Sample Survey (NSS) provides some data on expenditure on liquor which we examine a little later in this chapter. Regional studies have no doubt been made by individuals or by institutions, and one such study of Delhi drinkers conducted by the Delhi School of Social Work has been utilized by us. But very little comparison between these is possible, owing to differences in definitions and in the methodology used. However, the Labour Bureau of the Union Ministry

of Labour and Employment at Simla had undertaken budgetary studies of working classes drawn from factory centres, plantations and mining centres distributed among all the states of the country. Data were collected by the Labour Bureau for the year 1958-59 on various items of family expenditure, including expenditure on alcoholic beverages, and related to the budgets of 21,197 families in 50 different centres. Thus, on an average, there were some 424 families per centre and 1,325 families per State. While interpreting the results of this study it ought to be noted that the figures pertain only to a few centres and reflect not the propensity of the generality of population but of specific types of workers. Many a group, such as tribals and fishermen, with a high propensity to drink, does not generally figure prominently, nor the groups at the other extremity which do not drink at all. Moreover, the drinking population covered by the study includes only the relatively lower income brackets, that is to say, the consumers of country liquor—both licit and illicit—and of toddy but does not include the higher income population, that is, those who consume foreign and Indian manufactured foreign liquors. The results presented here must therefore be accepted subject to these limitations.

On an average 15 per cent of families reported drinking

5. An analysis of drinking pattern based on the data of these 21,197 families is given in Table 1. This Table shows for each State the total number of families as well as the number of families which reported drinking. It can be seen from column 4 that taking the dry and wet areas of the country as a whole, 11·8 per cent of the families reported drinking. In the dry States of Madras, Gujarat and Maharashtra, the percentage of families drinking was as low as 0·26, 0·10 and 5·28 respectively, while for wet areas, the figures were much higher, the range of variation being from 10·70 per cent to 23·91 per cent. Taking the wholly or partially wet areas alone, the average number of drinking families per 100 families worked out to be 14·97, or say, 15.¹

6. On the basis of this result the percentage of adult males who are given to drinking can also be said to be about 15 on the average, with the range of statewide variation being between 10 and 24 per cent. This is so because there is no evidence to suggest a wide variation either in average family size or in the average number of males per family in the different States of the country.

7. Normally, in budgetary studies based on the questionnaire method, one can expect several errors arising out of lapses of memory on the part of the respondents, investigator's bias, respondent's bias and a purposive concealment of facts in a few cases. This last item is more likely to occur in respect of inquiries about drinking of liquor which, under the prevailing social system, people are generally reluctant to disclose.

¹ In three States, *viz.*, Jammu & Kashmir, Punjab, Uttar Pradesh, the data do not seem to be reliable either with respect to drinking habits or with respect to expenditures on liquor. We have, therefore, preferred to substitute the national average figures for wet areas in the case of these three States.

TABLE 1

Number of Drinking Families as per cent of total number of families.
(Family Living Survey: 1958-59)

State	Number of Families		
	Drinking	Total	(2) as per cent of (3)
I	2	3	4
A			
1. Gujarat	1	962	0.10
2. Madras	6	2276	0.26
3. Maharashtra	105	1989†	5.28
TOTAL (Dry)	112	5227	2.14
4. Andhra Pradesh	148	952	15.55
5. Assam	281	1664	16.89
6. Bihar	421‡	2132	19.75
7. Jammu & Kashmir	71*	473	15.00*
8. Kerala	109	839	12.99
9. Madhya Pradesh	214	1312	16.31
10. Mysore	138	1134	12.17
11. Orissa	85	471	18.05
12. Punjab	120*	801	15.00*
13. Rajasthan	143	598	23.91
14. Uttar Pradesh	197*	1316	15.00*
15. West Bengal	436	4075	10.70
16. Delhi	28	203	13.79
TOTAL (Wholly or partially wet)	2391	15970	14.97
TOTAL (Dry plus Wet)	2503	21197	11.82
B			
1. Factory Centres	1470	15312	9.60
2. Plantation Centres	503	3578	14.06
3. Mining Centres	530	2307	22.97
TOTAL (Dry plus Wet)	2503	21197	11.81

Source : Working Class Family Living Survey, 1958-59, Labour Bureau, Simla.

*The original figures were found to be improbable and hence the national average for wet areas (i.e., about 15 per cent of total families) has been substituted. As all the centres studied in U.P., Punjab and Jammu & Kashmir were factory centres, assumed figures have all been included in factory centres B.

†Total number of families in one (Bombay) of the three centres of Maharashtra was not available. We have, therefore, taken this figure on the basis of percentage relationship of the drinking and total number of families of the remaining two centres.

‡Number of drinking families in one (Kodarma) of the five centres of Bihar was not available. We have, therefore, taken this figure on the basis of percentage relationship of the drinking and total number of families of the remaining four centres.

8. We are thus inclined to believe that the average drinking habit, judged either by the number of families or the number of adult males who drink in relation to the total, might be higher than the range of 10 to 24 per cent emerging out of the reported figures of Table 1. In all likelihood it would be between 15 and 25¹ per cent. As the tendency to under-report drinking is more marked in dry than in wet areas, the true figure can be said to be higher than 3 per cent and in all probability higher than 5 per cent of families or adult males. But as drinking in a dry area can seldom be higher than in wet areas, as our subsequent argument and statement of facts will show, the minimum for wet areas (10 or 15 per cent) can be taken to be the maximum for dry ones.

Fewer factory workers drink than plantation and mining workers

9. A noteworthy feature of Table 1 is that the percentage of families drinking is found to be lower among factory workers, higher among plantation workers and highest in mining centres, the average figures being 9·6 per cent, 14·0 per cent and 22·97 per cent respectively. This is an interesting commentary on the remarks made in this Report elsewhere that among the skilled or semi-skilled and educated or semi-educated industrial workers, the generation of a new psychology of progress, the desire to grow and to climb up the social and occupational ladder, reduces the propensity to consume alcohol.

Expenditure on Drinking : On an average drinking expenditure ranges between 5 and 12 per cent of total expenditure

10. We have in Table 2 the average monthly expenditures per drinking family on alcoholic beverages and also the per family expenditure on drink, on recreation and amusement and on all items of consumer expenditure. The wholly dry areas are omitted in this Table owing to the unreliability of expenditure figures for illicit drink. The average monthly expenditure per drinking family works out to be Rs. 12·89. Now the average consumer expenditure per family in the category of families included in this study is found from column 4 to be Rs. 133 per month. Allowing for some saving which does not figure in consumer expenditure and also for some under-estimate of total consumer expenditure, one can place the income per family on the average in this class of workers to be around Rs. 150. It would then seem that—even on the basis of the workers' own statement 8·6 per cent of monthly income is devoted on the average to drinking in wet areas.

11. Average apart, the range of variation in drinking expenditure as between different States (excluding the data for Delhi) is seen to be between Rs. 7 and Rs. 20 per month. Relating drinking expenses in each State to total expenditures² (column 6), it appears that drinking families devote between 5 per cent and 22 per cent of their total expenses to drinking.

¹We need not increase the reported maximum figure of 23·9 per cent very much inasmuch as only a single State reported this figure, all other States reporting a propensity of less than 20 per cent.

²The figures for expense on recreation and amusement (column 3) and for total consumer expenditure (column 4) actually pertain to all the families included in the survey. But if these are taken to be approximately valid for drinking families as well as non-drinking ones, one can obtain in Columns 5 and 6 the relation between drinking expenses on the one hand and total expenditure and expenditure on recreation and amusement on the other.

TABLE 2

Average monthly expenditure per drinking family on alcoholic beverages in relation to total consumer expenditure and expenditure on recreation and amusement

State	Expenditure per drinking families (Rs.)			Expenditure on alcoholic beverages as per cent of	
	Alcoholic beverages	Recreation and Amusement	Total Consumer expenditure	Expenditure on recreation and amusement (2) as per cent of (3)	Total consumer expenditure (2) as per cent of (4)
I	2	3	4	5	6
A					
1. Andhra Pradesh	7·01	0·91	115·76	770·33	6·06
2. Assam	18·77	0·64	120·76	2932·81	15·54
3. Bihar	10·37	0·61	158·54	1700·00	6·54
4. Jammu & Kashmir	12·87*	0·29	150·93	4437·93	8·53
5. Kerala	8·16	0·56	143·23	1457·14	5·70
6. Madhya Pradesh	12·38	1·06	135·80	1167·92	9·12
7. Mysore	7·81	1·08	132·72	723·15	5·88
8. Orissa	16·84	0·65	75·52	2590·77	22·30
9. Punjab	12·87*	0·72	123·86	1787·50	10·39
10. Rajasthan	8·95	1·43	214·72	625·87	4·17
11. Uttar Pradesh	12·87*	0·89	135·65	1446·07	9·49
12. West Bengal	19·53	0·79	115·74	2472·15	16·87
13. Delhi	2·18	0·64	170·18	340·63	1·28
TOTAL	12·89	0·80	132·58	1608·75	9·72
B					
Factory Centres	11·42	1·12	150·00	1019·64	7·61
Plantation Centres	17·47	0·39	106·14	4479·49	16·46
Mining Centres	12·22	0·56	116·78	2182·14	10·46
TOTAL	12·89	0·80	132·58	1608·75	9·72

*The original figures of expenditure were found to be unreliable and hence the national average for wet areas has been substituted. As all the centres studied in U.P., Punjab and Jammu & Kashmir were factory centres, all the assumed figures have been included in factory centres in B.

In many specific cases even 25 per cent of total expenditure goes on drink

12. It must be understood, however, that the monthly expenditures of Rs. 7 and Rs. 20 which suggest the range, are themselves averages for several hundred families within each State, and averages have their own limitations. If specific families are taken separately the range of variation will be found to be larger. In fact, expenditures on drink in many cases reach figures as high as 25 per cent of incomes. The Team interviewed a number of prisoners in jails convicted of liquor offences. In Mangalore, a convict, who was a barbar and had five children besides a wife, stated that out of an income of Rs. 60/- per mensem, his daily drinking expenditure came to 0.25 nP. to 0.37 nP. that is between Rs. 7.50 and Rs. 11.25 per month. Another prisoner, also a barber, earned Rs. 3/- to Rs. 4/- a day and spent 0.75 nP. daily on his drinks. A third prisoner, a tailor, had an income of Rs. 1.50 per day, i.e. about Rs. 9 to Rs. 10 per week and spent Rs. 2/- per week on liquor. A fourth convict who was a fisherman earned only Rs. 30/- per mensem and was spending 0.37 nP. per day on drink, though he had his mother as his dependent. It appears that drinking families on the average spend generally between 5 per cent and 22 per cent of their total expenditure on drinking.

Paid Recreation very inadequate

13. As for recreation and amusement, this is an item which consists of many types of recreations ranging from the cinema and dramatics to sports and gambling. It must be remembered that in the present stage of development in India, paid recreation is a very small item of expenditure. Much of the recreation available, such as attending "bhajan mandlis" or visiting an exhibition at the district or tehsil headquarters, or watching a local football match is generally not a paid item. In this context of extremely limited recreational facilities and a great dearth of paid recreation, the ratio between the expenditure on drinking and the expenditure on recreation is very high as seen in column 5. This reflects as much on the largeness of drinking figures as on the smallness of organised and paid recreation. The moral about the need to provide decent opportunities for the spending of one's leisure time at a small price is quite obvious.

14. Table 2 also confirms the fact already observed earlier that the propensity to consume liquor is larger among plantation workers and miners than among factory workers. While plantation workers on the average seem to be spending as much as 16.5 per cent and mining centres 10.46 per cent of their total budgets on drinking, factory centres seem to be spending only 7.61 per cent.

National Sample Survey data on liquor expenses not very helpful

15. The figures of monthly expenditure on alcoholic liquors which we have examined relate only to a section of the community, although a very important section, namely the working class. Moreover, these figures are primarily of country liquor distilled as well as fermented, with a preponderance of the distilled variety. As one is interested in the drinking habit of society as a whole as well as the drinking habit of the working class, perhaps one may also look at the data produced by the National Sample Survey (NSS) with respect to the consumption of intoxicating liquors. The advantages of the NSS data seem at first sight to be that they relate to a much larger cross section of society and that they give break-ups not

only for rural and urban population separately but also for broad regions such as North India, North-West India, South India, etc. Unluckily, however, from our standpoint the NSS data are not of much use as they spread the expenditure on drinking, which pertains only to a relatively small number of families, over *all* the families surveyed so that the resultant figures of drinking expenditure per family have no relation with the amount spent on the average by each *drinking* family on drink. We are interested in the expenditure of drinking families and these the NSS does not give. In other words, we cannot produce from the NSS data a column of figures which is the counterpart of column 2 of Table 2.

Drinking habit appears most widespread in North-West India and less in West and South India

16. For what it is worth, the NSS data given in Table 3 suggest that the monthly expenditure on drinking of urban families on the average is more than that of rural families. As for regional differences, liquor expenditure per family is above the average level in North-West India, East India and Central India and below average in West India, South India and North India. The propensity to consume liquor turns out to be the highest in North-West India and the lowest in West and South India.

TABLE 3

A

Monthly expenditure on intoxicants in rupees per person and per household in urban and rural areas

Area	Monthly Expenditure	
	Per Household	Per Person
I	2	3
Urban*	1.07	0.21
Rural	0.60	0.13
India	0.69	0.13

*Estimates of the urban areas are weighted averages of the estimates for cities and towns.

Source : NSS Third Round, August-November, 1951, No. 3, pp. 26, 27, and 28. Tables (3) to (5).

B

Monthly expenditure on intoxicants in rupees per household in rural areas and as per cent of total consumer expenditure

Population Zones	Expenditure per Household		Per cent of total Expenditure	
	First Round	Second Round	First Round	Second Round
I	2	3	4	5
North India	0.22	0.36	0.25	0.34
East India	1.38	0.94	1.47	0.78
South India	0.49	0.17	0.58	0.20

1	2	3	4	5
West India	0.01	0.04	0.00	0.05
Central India	0.72	1.67	0.87	1.41
North-West India	1.45	3.34	1.05	1.62
All India	0.75	1.03	0.78	0.69

Source : NSS First Round : July 1949—June 1950, No. 1, pp. vi—xii, Tables 6—12
Same as on p. xx, Table 27.

NSS Second Round : April—June 1951, No. 2, pp. 18—24, Tables 2—8.

Income Elasticity of Demand and Price Elasticity of Demand for Liquor

17. One very important piece of knowledge which is relevant for policy prescription is knowledge about the income-elasticity and price-elasticity of demand for liquor. By income (or expenditure) elasticity of demand for liquor is meant the percentage by which the demand for liquor changes if income (or expenditure) changes by one per cent. Similarly, price-elasticity of demand for liquor refers to the percentage in which the demand for liquor changes if the price of liquor changes by one per cent. Of course, the major difference is that demand generally changes directly with income and inversely with price; that is to say, if income rises demand will rise too, but if price rises demand will fall. The question, however, is: by how much will it rise or fall with a percentage change in income and price? It is this which a calculation of elasticity seeks to answer.

Income-elasticity of demand for liquor is 0.6

18. In the excursus to this chapter we have estimated from the family budget data of the Labour Bureau, the income-elasticity of demand for country liquor for most States and for all-India. The figures for Punjab, U.P. and Rajasthan are found to be unreliable, but for the other States income-elasticity varies between 0.3 and 1.2 per cent. Kerala alone has an income-elasticity as high as 1.2, Mysore, Madhya Pradesh, Andhra Pradesh and West Bengal, all have elasticities ranging between 1 and 0.5 while Assam, Bihar and Orissa register figures between 0.5 and 0.1. The all-India figure of elasticity works out to be 0.57 (or about 0.60 excluding the three States named above). The meaning of this is that generally when income increases by one per cent of itself, the demand for drink, other things being equal, rises by about half of one per cent of itself. Since the trend of incomes almost everywhere in India is generally upwards, one can expect the demand for liquor to increase as years go by, but, only about half as fast as income increases. An alternative study made by us relating to receipts from liquor excise to net national products for the fourteen years 1948-49 to 1961-62 also gives a figure of excise elasticity with respect to income of about 0.6 per cent and supports our earlier figure based on budget study (see excursus to this chapter). A comparison of these figures with those for the U.K. in a very comprehensive study by Professor Richard Stone at Cambridge University suggests that in all probability these figures are not unreliable. Professor Stone's figures of income elasticity of demand for spirits suggest a range of 0.6 to 0.8, though for wines higher figures and for beer lower figures are reported.

Price-elasticity of demand for spirits is between -0.6 and -0.7 in U.K.

19. It is not possible to estimate on similar lines the price-elasticity of demand for liquor in India. But the work of Professor Stone mentioned above estimates for the U.K. the price-elasticity for spirits to be between -0.57 and -0.71 . That is to say, if price increases (or decreases) by one per cent, the demand for spirits moves in the opposite direction, that is, decreases (or increases) by somewhat more than half of one per cent. Stone's work appears to confirm that for almost any kind of alcoholic drink it is true that if its price is brought down by one per cent, the demand for drink will invariably increase by less than one per cent. If this were true of India too, as probably it is, it would follow that if the present excise policy and price policy were altered in wet States and the price of liquor were brought down, the demand for liquor could not be expected to increase by anything like the percentage in which price was brought down. While aggregate demand for liquor might thus not change very much as a result of price change, the possibility of competing with the business of illicit distillation and diverting away drinkers from the illicit to the licit market will considerably increase. It is important to bear this factor in mind while examining in a later chapter the crucial issue of tax and price policy.

Relative Preference for Hard and Light Alcoholic Beverages

Preference for different kinds of drinks varies regionally.

20. In the light of our understanding of the proof strengths and alcoholic contents of various liquors, it is possible to study the preferences of the drinking community for various types of intoxicating liquors. The relatively richer section of the community, particularly in urban areas, drinks IMFL and foreign liquors. Some of these liquors are hard with say 25° u.p. strength (42.86 per cent of alcohol in bulk) while others are lighter beverages such as wines, beers and ciders (less than 10 per cent alcohol). The less well-to-do section of the community generally drinks country liquors, both distilled and fermented. Some of these are hard liquors, ranging generally between 20° u.p. and 77.5° u.p. strength (the alcoholic percentage ranging between 45.71 and 12.86). Others like toddy, sendhi, lugdi, etc. have much lower strengths, the alcoholic percentage ranging between 8 and 3 . Thus, drinking communities, whether rich or poor, cut across different alcoholic strengths and while some proportion drinks hard, some others wish to drink the lighter varieties. The essential question for policy in wet areas is: can people be weaned from hard liquors and shifted to light alcoholic beverages? And what proportion of them can be so shifted? The answer lies, among other things, in knowing the popular taste and preference.

Are mild liquors generally popular?

21. Similarly, there is in dry areas the very important issue of liberalizing weak alcoholic beverages like toddy, sendhi, beer, cider and softer wines, with the primary motive of defeating the illicit distiller and capturing his market. Whether this policy will in fact make a dent into the illicit market will depend very much upon whether or not there is a widespread popular preference for light alcohols as distinct from hard ones. For if very few people have any desire to drink light varieties, there is no point

in liberalizing these as the illicit business will not be affected. It is for this reason that it is important to know the popular preference or demand for light as distinct from hard liquors.

Drinking of milder liquors is not small

22. Although no comprehensive study of demand by type of liquor is available, it is clear that lighter varieties of alcohol are by no means a small item in the total demand. This is clear as soon as we see that wherever toddy or sendhi trees are available, the population adopts these drinks which are of a light variety so that hard country liquor gets limited in demand. Tribal populations so often are given to alcoholic beverages but these are more often than not of the lighter variety. Even in dry areas such as Gujarat and Madras where toddy trees exist, illicit tapping or fermentation of neera is resorted to so that illicit distillation of hard liquors appears to be severely curtailed. The drinking community seems to have a more natural preference for lighter alcoholic beverages than for hard ones. Only where the local raw material base does not favour lighter beverages but favours hard liquors (in regions where there are few toddy trees but an abundance of Mahuwa trees or of molasses or gur) does one find hard drinking. The addicts and the habitual drinkers who may be presumed to be wanting to drink hard, are a relatively small percentage of the drinking community. A sample study of drinking population in Delhi, undertaken recently by the Delhi School of Social Work brings out the following percentages:

TABLE 4

Types of drinkers

	Regular drinkers		Occasional drinkers			Totals
	Addicts	Non-addicts	More frequently than once a month	Less frequently than once a month	On special occasions	
1	2	3	4	5	6	7
Number	248	74	144	570	369	1405
Percentage of total	17.65	5.27	10.25	40.57	26.26	100
	22.92		66.83			
	33.17		77.08			

Regular drinkers both addicts and non-addicts are 23 per cent of all drinkers

23. Table 4 shows that two-thirds of drinkers either drink on special occasions or less frequently than once a month. Addicts constitute only about 18 per cent and regular drinkers including addicts about 23 per cent of all drinkers. These regular drinkers together with those irregulars who drinks more frequently than once a month number one-third of the drinking population. If the drinking adult male population is taken to be about

15 per cent of all adult males, then all those who drink more frequently than once a month will work out to be $(1/3 \times 15/100) = \text{about } 5 \text{ per cent}$ of all adult males, while addicts will number some $2\frac{1}{2}$ per cent of all adult males. The very large percentage of occasional drinkers shows that people are actuated not by 'kick' but many other less dramatic motives. Most of these need not be taken to be necessarily fond of hard varieties. There is other evidence too, which indicates the popularity of lighter alcohols.

Drinking pattern in Delhi

24. Although it has not been possible for us to obtain the data of liquor sales by type of liquor everywhere in the country, we have in Table 5 sales of country liquor as well as of foreign liquor (including IMFL), both of the hard and the light variety in Delhi. As there are only two authorised country liquor shops in Delhi, and illicit sales are known to be quite prominent, the data of country liquor sales must be taken as a gross under-estimate. But among the consumers of foreign liquor and Indian manufactured foreign liquor, it is clear that the demand for light varieties, that is beer, is by no means a small demand. While hard liquors of foreign variety have shown in the years 1961-62 and 1962-63 a sale of 15 lakh and 17 lakh litres respectively, sales of beer in the same years have been of the order of 11 lakh and 13 lakh litres. Light liquors thus appear to constitute on this reckoning about 42 per cent of total demand for foreign varieties.

TABLE 5
Relative consumption of hard and light alcoholic liquors in Delhi

	Foreign & Indian manufactured foreign liquor				Percentage of Malt liquor to hard foreign liquor (4)*100 col. (3)
	Country liquor	Hard varieties	Malt liquor	Total Col.	
	(⁰ 000 litres)	(⁰ 000 litres)	(⁰ 000 litres)	3+4 (⁰ 000 litres)	
1	2	3	4	5	6
1961-62	6,61	15,07	10,86	25,93	41.88
1962-63	5,45	17,11	12,74	29,85	42.68

Source: Data provided by the Commissioner of Excise, Delhi.

Drinking Pattern in the Armed Forces

25. A similar preference for lighter alcoholic beverages emerges from a study of the drinking pattern of an important section of the community, viz., the Armed Forces—inclusive of the army the navy and the air force. These though not a true replica of the country's habits, represent sections of the population drawn from various regions, religions, castes, classes, language groups and other divisions of society. In Table 6 the proof-strengths of various liquors, the prices of these in the army canteens and the percentage consumption of each type of liquor in terms of quarts bottles is given. It will be seen that beer, a relatively light alcoholic

beverage is the most popular drink in the army, accounting for as much as 58 per cent of total consumption in terms of quart bottles. Rum, which is a hard drink of 43% alcohol in bulk (25° u.p.) accounts for about 34 per cent of the total number of bottles purchased. All the other varieties of liquor which are hard varieties account for the remaining 8 per cent or so of total consumption. The discovery, subject to some qualifications, that nearly 60 per cent or three-fifths of drinking is of beer and that harder varieties account for no more than two-fifth of consumption is an important one for policy consideration.

TABLE 6

Approximate Sale of Armed Forces of Imported and Indigenous Liquor in a dry State for the period April 1962 to March 1963

	Strength	Per cent of Quart Bottle sold	Average price per bottle
I	2	3	4
			Rs.
Imported Whisky	25 u.p.	3.31	43.00
Imported Brandy	25 u.p.	0.45	42.00
Imported Wines	..	0.56	25.00
Imported liquors/Gin	35 u.p.	0.06	48.00
Imported Cider/Stout	..	1.01	2.40
		5.39	
Indigenous Whisky	25 u.p.	1.98	25.00
Indigenous Rum	25 u.p.	33.65	8.50
Indigenous Gin	25 u.p.	0.84	17.30
Indigenous Beer	35 u.p. Not more than 10% alcohol.	58.14	2.80
		100.00	

EXCURSUS

Estimates of Income-Elasticity and Price-Elasticity of Demand for liquor

The family budget data collected by the Labour Bureau of the Government of India for 21,197 families lends itself to an estimation of the income-elasticity of demand for alcoholic beverages. More accurately it lends itself to an estimate of expenditure-elasticity of demand for liquor inasmuch as expenditures on different items including liquor are available by expenditure groupings of working class families. We shall, however, use the terms income and total expenditure interchangeably for the purpose of this study as also the terms income-elasticity and expenditure-elasticity of demand. By income (or expenditure) elasticity of demand for liquor we mean the percentage by which the demand for liquor will rise if total income (or expenditure) increases by one per cent.

In attempting an estimate of income-elasticity of demand for liquor, we have omitted the wholly dry States of Gujarat, Madras and Maharashtra owing to the unreliability of their figures for expenditure on alcohol. We have had to exclude Jammu & Kashmir owing to non-availability of figures of expenditure by different expenditure groups. For the remaining States we have estimated cross-sectionally the income-elasticity of demand *i.e.*, the percentage increase in expenditure on alcoholic drinks as income increases by 1 per cent. We have not taken account of incomes above Rs. 210 per month since the range of incomes above this level is not given

TABLE 7
Income-Elasticity of Demand for Intoxicating Liquor
(Mainly Country Spirit), 1958-59

(In value terms)

State	Income Elasticity of Demand for Liquor	Standard Error of Estimate	Co-efficient of Correlation
	(b)	(Sb)	(R)
1	2	3	4
1. Andhra Pradesh	0.7755	± 0.0608	0.9880
2. Assam	0.3503	± 0.1473	0.7655
3. Bihar	0.2617	± 0.0721	0.8755
4. Gujarat ¹	..	..	..
5. Jammu and Kashmir ²	..	..	..
6. Kerala	1.1760	± 0.1245	0.9784
7. Madhya Pradesh	0.9075	± 0.1257	0.9538
8. Madras ¹	..	..	..
9. Maharashtra ¹	..	..	..
10. Mysore	0.9471	± 0.2022	0.9195
11. Orissa	0.2923	± 0.2076	0.5755
12. Punjab ³	1.8371	± 0.6986	0.6162
13. Rajasthan ³	1.7144	± 0.2490	0.9658
14. Uttar Pradesh ³	1.4654	± 0.2375	0.9623
15. West Bengal	0.6600	± 0.0917	0.9636
16. Delhi ³	..	..	..
TOTAL	0.5646	± 0.0768	0.9509

¹ Dry States : Income Group-wise data not reliable.

² Income Group-wise data not available.

³ Estimated from 5 observations only.

in the data by the Labour Bureau. Fitting to the data of each State a regression equation of the type

$$\text{Log } Y = a + b \log X$$

where Y is expenditure on liquor and X is income (or total expenditure), we obtain the value of 'b' which is the income-elasticity of demand for liquor. The results are seen in column 2 of Table 7. Almost all the figures of elasticity are reliable at 5 per cent level of probability.¹ The income-elasticity of demand for liquor has a wide range of variation between 1.8 and 0.3. But as less reliability attaches to the figures of Punjab and Uttar Pradesh and to some extent of Rajasthan², we may concentrate on the figures of other States. The income-elasticity of demand for liquor then turns out to be between 1.2 per cent and 0.3 and generally less than one. That is to say, when income increases by 1 per cent the tendency is to increase the expenditure on liquor by a figure which ranges generally between 1 per cent and 0.3 per cent. Kerala alone has an income-elasticity of 1.2. Mysore, Madhya Pradesh, Andhra Pradesh and West Bengal all have elasticities ranging between 1 and 0.5 while Assam, Bihar and Orissa register figures between 0.5 and 0.3. The all-India average of income-elasticity of demand for liquor turns out to be 0.57 per cent, inclusive of Punjab, Uttar Pradesh and Rajasthan but would be lower, if these States were omitted. We can take the national income-elasticity of demand to be around 0.5 per cent, meaning thereby that when income increases by 1 per cent, the demand for liquor increases, other things being equal, by half of 1 per cent.

These figures of income-elasticity of demand for liquor are obviously those for country liquor and include both fermented liquors (like toddy) and distilled spirits. One would like to estimate for each state and for the country as a whole, the income elasticity of demand for all intoxicating liquors taken together. However, statewide incomes on a time series basis are either not available or, if available, are estimated at constant prices. This does not help a calculation of income-elasticity of demand. Unless one deflates expenditure on liquor with some suitable price index. Such an index is very difficult to construct. However, by taking the figures of net national product of India at current prices for the fourteen years 1948-49 to 1961-62 and relating this variable with the total excise revenue from liquor in all wet and partially wet areas, we have been able to estimate approximately the income-elasticity of demand for all intoxicating liquors. This estimate represents only the elasticity of excise revenue and not that of total expenditure on liquor. But it may stand for the latter on one or two assumptions. One is that the relation between the price of liquor and excise revenue has not altered substantially during the period; secondly, that the rate of excise duties has not altered much so that the change in excise revenue is proportional to the change in quantity drunk and not the result, to any significant extent, of change in the *rate* of excise taxation. As neither of these assumptions is entirely true, we should count our estimates of elasticity as approximate figures. Our time series data

¹ The co-efficient for Orissa alone turns out to be unreliable judged by the criterion of the value of the co-efficient being less than twice the standard error of estimate given in column 3.

² These figures are estimated from only 5 observations. Moreover, the Uttar Pradesh and Punjab figures for expenditure on drink appear to be serious under-estimates.

of excise revenues and net national income for fourteen years gives the regression equation:

$$\log Y = a + 0.63 \log X$$

where 'Y' is excise revenue, 'X' is net national income. The income-elasticity of demand for liquor works out to be 0.63. We are more inclined to talk of the value of 0.63 as 'buoyancy' rather than elasticity inasmuch as this represents the percentage change in excise revenue both on account of changes in national income and changes in rates of excise taxes rather than merely the resultant of changes in national income. It will be seen that this value of 0.63 is very close to the value of 0.57 obtained from family budget data of the Labour Bureau.

Comparison with the U.K.

For the sake of comparison, despite the differences in the socio-political set-up, we present in Table 8 figures of income elasticity of demand and of the substitution elasticity of demand from the work of Professor Richard Stone, formerly Director of the Department of Applied Economics, at the University of Cambridge¹. It will be seen that the income-elasticity of demand for beer is 0.54 although the figure does not appear to be statistically reliable. On the other hand, the income-elasticity of demand for spirits is 0.8 and 0.6, that for imported wines 1.40 and 1.59, and that for British wine 1.83 and 1.70. We note that the range of income-elasticity of demand is between 1.83 and 0.54 for all liquor (including beer) and generally less than 1 (between 0.8 and 0.5) if wines are excluded. This is nearly the same range as suggested by the figures of our calculation.

We may note in passing that the figures of price-elasticity of demand in Professor Stone's work range between -0.3 and -0.9 in the generality of cases, although in a solitary case even a figure of -1.09 has been obtained. The price-elasticity of demand for spirits in Professor Stone's work is -0.71. The implication generally is that when the price of spirits increases by 1 per cent, the demand for liquor goes down by less than 1 per cent and in fact by 0.7 of 1 per cent (with the exception of beers). It follows that if the price of liquor in wet areas were stepped down by a given percentage, the demand for liquor will rise too, but by less than that percentage, and in fact (barring beers) by slightly more than half of 1 per cent. We thus have the important proposition that the price-elasticity of demand for liquor is small and this proposition has an important bearing on our recommendations towards the end of this Report.

¹The measurement of consumer expenditure and behaviour in the U.K., 1920-38 Vol. I. Published under the joint auspices of the National Institute of Economic and Social Research, London, and the Department of Applied Economics, University of Cambridge, Cambridge University Press, 1954.

TABLE 8

Demand Analysis for Alcoholic Drinks in the United Kingdom 1920—1938.

Commodity	Income- Elasticity	Substitution Elasticity with respect to	
		Own Price	All Other Prices
1	2	3	4
Beer	1 0·54	..	..
	2 ..	—0·89	0·89
	3 —0·02	—0·90	0·90
	4* —0·05	—0·87	0·87
Spirits	5 0·80	..	..
	6 ..	—0·71	0·71
	7* 0·60	—0·57	0·57
Imported wine	8 1·59	..	..
	9 ..	—1·99	1·09
	10* 1·40	—0·60	0·60
British wine (1927—38)	11 1·83	..	..
	12 ..	—0·54	0·54
	13* 1·70	—0·31	0·31

* These have been stated to be more reliable estimates.

Source : The Measurement of Consumer's Expenditure and Behaviour in the United Kingdom, 1920—1938, Vol. I, by Richard Stone.

CHAPTER XXVIII

THE MAGNITUDE OF ILLICIT DISTILLATION AND THE DRINKING BILL

The very first term of reference of this Study Team enjoins upon it to suggest the magnitude of illicit distillation. This is a controversial subject and lends itself to diverse interpretations depending upon the attitude one adopts about the use of intoxicating liquors. The matter is also very closely linked up with another equally important and equally evasive and non-measurable phenomenon namely the quantity of liquor actually consumed in a dry area. Thus the two imponderables which we wish to investigate are: (i) the magnitude of illicit distillation in dry and in wet areas and (ii) the quantum of intoxicating liquors consumed in dry areas relative to wet ones. The first is a matter of supply and the second a question of demand for liquor. Both are highly controversial issues and neither lends itself to statistical estimation since no data are available which reflect directly upon the magnitudes involved.

Opponents of Prohibition exaggerate and protagonists minimize the extent of illicit distillation

2. We notice an extraordinary tendency on the part of opponents of prohibition to exaggerate unduly the prevalence of illicit distillation and allied activity. On the other hand, we find among protagonists of prohibition a remarkably naive attitude of complacency which tends to minimize the prevalence of this evil. Both categories get away with their statements owing to the almost insurmountable difficulty in making a correct estimate of the degree of illicit distillation and an equal difficulty in testing any such estimate. We believe, however, that while a quantitative estimate with a high degree of accuracy is impossible, the problem of determining approximately the relative magnitudes of illicit distillation in dry and wet areas is not insoluble. There are indicators available, however approximate, of the relative extent of this activity. Pressing several such indicators into service a reasonable, quantitative judgment can be made subject, of course, to some margin of error which in the nature of things is inevitable. Moreover, while quantitative estimates are doubtless difficult, a qualitative judgment on the prevalence of this evil is obviously within the bounds of possibility. Knowledgeable persons in almost every State are in a position to say quite meaningful things about this evil. In what follows we sum up our ideas on the prevalence of illicit distillation both in quantitative and qualitative terms and we begin with the proposition that nothing is to be gained by either exaggerating or minimizing the extent of this evil.

3. Those who are opposed to the policy of prohibition, for whatever reasons, have often been found to be exaggerating out of all proportions the extent of illicit drinking and distillation. The extent of this evil in the area of Greater Bombay has caught the attention as well as the imagination of numerous persons. And what is supposed to be true of Bombay is promptly and unthinkingly applied by many to other areas including the countryside where this evil by no means prevails to anything like the extent to which it

flourishes in the dense population of Greater Bombay. But we do not see the point of applying the conditions prevailing in urban areas to villages, nor the point of projecting into wet areas what one finds in dry regions.

4. What is probably true, is that while the quantity of liquor consumed in dry areas generally gets considerably reduced as a result of prohibition, whatever quantity continues to be consumed (outside the permit system) has to be produced illicitly or smuggled. This obviously multiplies the activity of illicit distillation several times compared to the pre-prohibition era. When people talk of the colossal failure of prohibition they talk of an increase in the total quantity of alcohol drunk. But they have not cared to examine their statement carefully, and, if questioned closely, they would probably be prepared to concede that total quantum of liquor drunk (or at any rate per head quantum) has gone down. One of the clear and compelling indicators of lesser drinking in dry areas is that the price of illicit liquor in dry areas is much higher than that in wet areas, and higher often than the price of licit liquor in the latter. If the demand for drink in dry areas had been fully satisfied, that is to say, if dry areas were drinking as much as wet ones, the contraband liquor price would not have remained at the high level at which it is and would have come down generally to the level of wet areas. This is far from being the case and confirms the smaller quantum of drinking in dry regions.

Even if quantity drunk has got reduced by 40 per cent, a threefold increase in illicit production is implicit

5. But in all fairness to those who maintain that dry areas drink a lot, it has to be conceded that even if the total quantity drunk in dry areas has decreased from 100 to 60 units, nearly all the 60 units are being manufactured illicitly, compared to a possible 20 in pre-prohibition days. A threefold increase in illicit activity is thus implied in the argument. And when sober and impartial people turn critics of prohibition, what they wish to stress is not the increase in total drinking (for there has been no such total increase), but the colossal increase in illicit distillation, the worsening of quality, the consequent decline in the health of the community, the spread of lawlessness, organised bootlegging and the silencing of effective public opinion. All these seem to be so widespread that the most plausible inference is that despite the decrease in aggregate volume of liquor consumed, the total welfare of the community must have got reduced.

6. On the other hand, protagonists of prohibition are found to minimize greatly the extent of illicit distillation in dry areas. One of the most common, and perhaps the most naive, of statements which we have come across from several quarters is that illicit distillation exists both in dry and wet areas and that there is no point in singling out the dry ones for criticism. The implication is that the evil of illicit distillation need not be laid at the doors of prohibition, as this evil is prevalent both in dry and wet areas and existed in the present dry areas even before they went dry. A great deal of ingenuity is brought to bear upon this point and attempts made to soft-pedal the issue instead of facing it and subjecting it to a thorough scrutiny.

7. While we have already stated our belief that in dry areas the total and per head quantity drunk is much less than in wet areas, we cannot accept the statement that illicit distillation is of comparable magnitude in dry and in wet areas.

TABLE I
Reported Cases of Illicit Distillation

A. MADHYA PRADESH

(1947-54)

Years	Wet areas	Dry areas
1	2	3
1947	2,598	2,104
1948	2,830	2,502
1949	3,013	3,615
1950	3,494	1,030
1951	3,037	1,117
1952	3,130	1,598
1953	4,712	3,331
1954	4,971	3,136

Source : Report of the Prohibition Enquiry Committee, 1954-55, Planning Commission, Chapter IV, p. 74.

B. ANDHRA PRADESH

(1962-63)

(month-wise)

Month	Telengana Region (Wet)	Andhra Region (Dry)
1	2	3
April, 1962	242	571
May, 1962	115	597
June, 1962	223	877
July, 1962	365	802
August, 1962	370	756
September, 1962	233	835
October, 1962	448	779
November, 1962	320	940
December, 1962	273	845
January, 1963	264	893
February, 1963	288	830
March, 1963	283	815
TOTAL	3,424	9,542

Source : Excise Department, Government of Andhra Pradesh.

Illicit distillation in dry areas is about four times that in wet areas

8. After a good deal of enquiry and scrutiny of such data as were available we are inclined to think that, leaving apart the extreme cases of rampant illicit activity in some areas such as Greater Bombay, and very little of it in others, illicit distillation on the average may approximately be three to four times as intense in dry areas as in wet ones. We emphasise that this is a statement of the average degree of prevalence of this evil. There are many pointers towards the correctness of this statement.

Crime figures confirm this hypothesis

9. The Prohibition Enquiry Committee of 1954-55 in its admirable report has reproduced (page 74) from the report of the Madhya Pradesh Prohibition Enquiry Committee figures of cases of illicit distillation detected in Madhya Pradesh during the years 1947 to 1954. We reproduce these figures in Table 1. It turns out that the number of cases in wet areas are somewhat larger than in the dry ones. But both Committees seem to accept readily that the impact of this evil is no more in dry areas than in the wet. The one qualification which upsets this facile presumption is that out of the 34 districts of Madhya Pradesh only six districts are either wholly or partly dry while the other 28 are wet. For the period for which figures have been cited, the ratio of wet to dry areas was again about 4:1. Thus assuming the same intensity of police operation in dry and wet belts, approximately the same number of cases were detected from the dry areas, which constituted only one-fifth of the total area, as from wet areas which accounted for four-fifths of the total. We also reproduce in this Table figures of crimes of illicit distillation detected in the eleven dry and nine wet districts of Andhra Pradesh. Here again the story reveals the same moral, viz., that the intensity of illicit distillation in dry areas is several times that of wet ones.

10. There is another route through which one may approach this problem of the magnitude of illicit distillation. In many wet areas, e.g., the State of West Bengal, illicit distillation by common consensus does not account for more than 20 per cent of total consumption, that is, about 25 per cent of licit consumption. Suppose that we assume this to be the situation before prohibition in the dry areas of today. One can then see that consequent upon prohibition if the quantity drunk remained the same as before, illicit distillation which supplies nearly the whole of the consumption in dry areas would be multiplied five times; alternatively, if it is assumed that prohibition has led to a 20 per cent decrease in total consumption, it follows that illicit distillation has increased four-fold (an increase of 300 per cent); and even if prohibition has brought about a 40 per cent decrease in consumption, illicit distillation has multiplied three-fold (an increase of 200 per cent). These observations again lead to the result that the intensity of illicit distillation in dry areas may be many times, say three to four times, that of wet ones on the average. In fact, the smaller the percentage of illicit distillation to total consumption in pre-prohibition days the larger will turn out to be the intensity of illicit distillation in the dry set-up relative to wet ones unless there comes about a very substantial decrease in the total quantity drunk. If illicit distillation in the pre-prohibition set-up were to be only 10 per cent of total consumption, and consequent upon prohibition there came about a decrease of total consumption by as much as half, it would still follow that illicit distillation,

which supplies the remaining consumption, has multiplied five times since pre-prohibition days!

Price of illicit liquor much higher in dry areas than in wet ones

11. There is yet another important consideration which compels one to accept a much larger prevalence of contraband liquor manufacture in dry areas than in wet ones. Given in Table 2 are the prices and profits of licit as well as illicit country liquor in various dry and wet areas of India. The price data have been given to us by authoritative sources such as the Directors of Prohibition, the Commissioners of Excise and the Inspectors-General of Police. It will be seen that the prices of illicit liquor are invariably higher in dry areas, ranging between Rs. 4 to Rs. 10 (and even Rs. 12 in the case of Greater Bombay) while the prices in wet areas are, as a rule lower, ranging between Re. 0.50 and Rs. 2.50 and rising to Rs. 3 in rare cases. As the cost of production of illicit liquor is approximately the same everywhere (whether the area is wet or dry) and ranges generally between Re. 0.75 and Rs. 1.25, it is obvious that selling prices in dry areas are a substantial multiple of costs so that profit margins are far higher in dry areas than in wet ones. If cost of production is taken to be Re. 1 per bottle, then the profit margin in wet areas can under no circumstances be more than 200 per cent over cost, as the selling price is never more than Rs. 3 per bottle. In fact this is extremely improbable since prices rise to Rs. 3 only under very unusual circumstances such as when raw material is expensive, so that costs also rise and profits are cut. In the generality of cases when the price is around Rs. 2, profits are much smaller, say about 100 per cent over cost, and even this is not true as some expenses for carriage, illegal gratification, etc. have to be added to cost and have been omitted in our calculation.

Profit margins in illicit liquor several times higher in dry areas than in wet ones

- 12. On the other hand, selling prices in dry areas range between Rs. 4 and Rs. 12 and give a profit margin of several hundred per cent and in some cases even 1000 per cent over cost of production. If the most frequent price (modal price) of country liquor in dry areas is taken to be Rs. 6 per bottle, and cost of production Re. 1 per bottle, a profit margin of 500 per cent clearly emerges. Even if a substantial allowance of another Re. 0.50 per bottle were to be made for the cost of carrying and bribing, etc., a profit margin of 300 per cent remains. It stands to reason then that the profit margins being several times more in dry areas than in wet ones, the frequency of illicit distillation would be several times more in the former than in the latter.

13. We should now sum up our ideas on the highly controversial matters of the relative magnitudes of illicit distillation in dry and wet areas and the total quantity drunk in dry areas.

14. As a result of numerous discussions with knowledgeable persons, both official and non-official in every state visited, we have been able to obtain an idea of the magnitudes involved. If we were to convert the sum and substance of these many reflections into arithmetical terms in order to convey what we believe to be the most probable occurrence over a decade or more, our arithmetic would work out as follows. We wish to stress that the magnitudes used here are only for the sake of making ourselves

TABLE 2

Costs, Prices and Profits of Licit and Illicit Country Liquors

(Approximate)

	Cost (exclud- ing es- tablish- ment charges & taxes)	Taxes (excise duty, fee, rental, etc.)	Costs plus taxes (exclud- ing estab- lishment charges)	Range of retail prices	Average retail sale price	Crude profit per bottle	Crude profit as per cent of costs etc. Col. (7)/(4) × 100
1	2	3	4	5	6	7	8
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Distilled Country Liquor (Licit) (bottle of 750 ml.)							
Andhra Pradesh (60 u.p.)	0.45	1.33	1.78	..	1.86	0.08	4.49
West Bengal (50 u.p.)	1.20	3.27	4.47	..	4.88	0.41	9.17
Himachal Pradesh (60 u.p.)	0.80	10.94	11.74	..	14.00	2.26	19.25
Distilled Country Liquor (Illicit) (bottle of 750 ml.)							
Wet Area							
Andhra Pradesh	1.00	..	1.00	2 to 2.50	2.25	1.25	125
Assam	1.00	..	1.00	1 to 1.50	1.25	0.25	25
West Bengal	1.00	..	1.00	2 to 2.50	2.25	1.25	125
Himachal Pradesh	1.00	..	1.00	1.50 to 2.50	2.00	1.00	100
Punjab	1.00	..	1.00	1.50 to 2.50	2.00	1.00	100
Dry Area							
Himachal Pradesh	1.00	..	1.00	4 to 6	5.00	4.00	400
Punjab	1.00	..	1.00	4 to 6	5.00	4.00	400
Gujarat	1.00	..	1.00	2.50 to 8	5.25	4.25	425
Maharashtra	1.00	..	1.00	2.50 to 12	7.25	6.25	625

understood better, that is to say, for the sake of clarification, and need not be interpreted by any means as certainties. They do nevertheless explain, what we believe after the enquiry to be the most probable magnitudes of the phenomena over a decade.

An arithmetical statement of the most probable magnitude of drinking and distillation in dry areas vis-a-vis wet ones

15. Suppose that there were two states of similar size in terms of area and population and that the propensity or habit of consuming liquor was also similar in both. Let us say that some 15 per cent of the adult male

population was given to, or at any rate was not averse to drinking and that only 1 or 2 per cent were addicts. Let us also assume that the total consumption in each state was 100 units of which one-fifth or 20 units were produced illicitly. This assumption reflects the fact that illicit distillation exists, for the reasons mentioned elsewhere, in wet as well as in dry areas. We assume then that one of the two states goes dry and supply lines are cut off almost completely. The immediate effect is to reduce consumption almost to nil because of the non-availability of liquor. For a few years there is an impression that drinking and drunkenness have gone down very considerably and perhaps even abolished. However, the propensity of the population to drink remains latent and as some illicit production or smuggling occurs in course of time, it becomes clear to the producers and the smugglers, etc. that large profits amounting to anything between 200 per cent and 1,000 per cent are to be had. This profit motive provides the necessary impetus to a vastly increased activity. New modes of manufacturing, new supply lines and new sales counters come into existence and the supply of contraband liquor catches up with the latent demand.

16. Of course the demand can never be the same as the 100 units of old. Every population has its quota of lawabiding persons as well as some timid ones. Let us assume that these are one-fifth of the drinking population. Thus, of the 15 per cent of the population which drinks we assume one-fifth, that is 3 per cent, to give up drinking. On this account alone demand should get reduced by one-fifth, *i.e.* from 100 to 80 units. Moreover, some others who do not give up entirely will have difficulties in procuring drink since procurement in a dry set up has to be circuitous and indirect and therefore difficult. There is reason to believe, under these circumstances, that the quantity drunk, or desired to be drunk, will stabilize say between 60 and 80 units instead of the original 100. If we assume total demand to have declined by as much as 33 per cent or one-third, the new demand would be around 66 units. But the important thing is that all the 66 units are now produced illicitly. Implicit in this is the result that illicit distillation which was previously 20 units has now increased at least three times and, in all probability, somewhat more; but that is not all.

17. Turning our attention to the wet state, where 100 units of liquor were consumed with 20 units of the supplies coming from illicit sources, we proceed on the assumption that over a decade population grows by 20 per cent and consumption increases from 100 to 120 units on this account. At the same time, demonstration effects of foreigners on the local urban population and of the latter on the rural population begin to exert themselves. The hold of tradition, religion, etc. gets loosened and income per head also increases to some extent. We, therefore, find that consumption has increased by 10 more units, that is to 130. Meanwhile, the same population increase in the dry state leads to an increase in the demand for liquor by about 20 per cent, say from 66 to about 80 units. Other effects, and in particular, the demonstration effects, in a dry area also have to be allowed for, since the diffused nature of illicit production lends itself to a strong demonstration effect and creates new habits, unlike a system of concentrated production in a few distilleries in a wet area. The final position in the dry area might then be, say, around 87 units as compared to 130 units in the wet area, as Table 3 attempts to show.

TABLE 3

A Numerical Illustration of Liquor Consumption in Dry and Wet States

(Units)					
	Before Pro- hibition	Immediate- ly after Pro- hibition in one of the two states	After supply lines are re- established in dry state	After a 20 per cent population increase in ten years	As a result of demons- tration effects, income effects and other effects
1	2	3	4	5	6
Wet State . . .	100	100	100	120	130
Dry State . . .	100	Nearly Nil	66	80	87

Total and per head drinking reduced in dry areas but illicit distillation increased

18. Our assumptions throughout this argument can, of course, be qualified. But what we do mean to convey by this numerical illustration is that while the wet state over a 10-year period has an increase in liquor consumption from 100 to 130 units after allowing for various changes, the dry state despite the allowances of various kinds does show a decrease in consumption (to say between 80 and 90 units) not only from the original position (of 100 units) but much more in relation to the consumption in wet states (130 units). There is little doubt in our mind that consumption of liquor both in the aggregate and per head of population does get reduced as a result of prohibition. Though our view is couched in the present illustration in numerical terms, it is, as we have already explained, only meant to summarize a great deal of qualitative reflection and discussion with knowledgeable people everywhere in the country. We do not feel inclined to agree at all with the view that prohibition has led to an increase in aggregate or per head consumption of liquor. But that is not the end of the matter.

Illicit activity reduces social welfare in spite of the reduction in liquor consumption

19. While the wet state consumes 130 units and the dry one only 80 to 90, illicit distillation continues to account for the same one-fifth of the total supply in the wet area, that is about 26 units. On the other hand the dry area has all the 80 or 90 units supplied illicitly which means a four-fold increase in the magnitude of illicit distillation which has now risen from 20 to 80 and is at least three times as intense as in wet areas, since the ratio of illicit activity in dry areas relative to wet ones can be seen to be 80:26. It is not enough to say—and this is precisely what some sober and non-dogmatic critics of prohibition have in mind—that consumption of liquor has gone down in dry areas; one has also to reflect upon the important fact that all the supplies, though smaller in bulk than before, are illicit supplies and the deleterious effects of these on health and welfare cannot be left

out of the calculation. Nor can one leave out of account the corruption, the flouting of the law, the degradation of humanity, the disgust among the law-abiding and sober elements of population and the general loosening of the social fabric that illicit distillation brings in its train. In fact, there is a view with which we are in agreement that in the general decline in the respect for law over the last decade or two in this country, crimes arising out of illicit activity with respect to liquor have played no small role. Thus, when a sober critic criticizes prohibition he does not mean that the total or per head quantity drunk has gone up. What he does mean to convey is that together with some decrease in consumption there has been a great increase in illicit distillation and all that it connotes. It is our considered view that if the decrease in liquor consumption is very small it may not be worth having if it is accompanied by a major (say three-fold or four-fold) increase in illicit distillation and a deterioration in health and morals that goes with it. It is this consideration which brings home effectively the need for the containment and elimination of illicit activity which is chiefly responsible for a serious diminution of society's welfare.

20. While we do not wish to minimize or to exaggerate the quantum of illicit distillation, we do wish to stress the qualitative aspect of this crime. In fact, we are tempted to speak of illicit distillation as enemy number one of society. We find the dynamics of illicit distillation compelling and worthy of a very close examination.

Illicit distillation is a case of supply creating its own demand

21. We believe that when the margins of profit in illicit distillation are as high as we think they are, the weapon of law is bound to be blunted, for no law can be effective when imposed on a 100 to 1,000 per cent margin of profit over cost. With this margin and the enormous bulk of profits that it provides, all the money is available for defeating the law, for corrupting the administration, for laying down effective supply lines and for converting innocent population into drinkers and drunkards. It is important to note that diffused illicit production as distinct from concentrated licit production has within itself a built-in mechanism of creating new drinking habits and spreading the demand for liquor more widely. Illicit distillation is a case of supply creating its own demand. The magnitude of this activity in dry areas, as we have tried to show, is at least three to four times that in wet areas and a great deal of what we have to say by way of policy prescriptions is related to the idea of slashing this magnitude, of attacking the profits and the business of the illicit distiller and of superimposing law and administrative machinery on a situation which has been narrowed down to manageable proportions. We believe that law, and especially improved law, can defeat the illicit distiller only after the economic gains of illicit distillation are competed away and reduced to a fraction of what they are at present.

Drinking Bill of the Country

22. The question is often raised, and it is an interesting matter to speculate upon, as to what is the total drinking bill of the country. It had been argued as early as in 1929¹ that as the total revenue from excise taxation

¹ This argument was put forward by Rev. W. L. Ferguson from Madras and has been quoted by Shri Morarji Desai in his Presidential Address to the Second All-India Conference of Prohibition Workers at Hyderabad in December, 1963.

amounts to Rs. 20 crores, and as tax is only a small percentage of the price paid by the consumer, the total drink and drug bill would be about 4 times the tax, that is as high as Rs. 80 crores. Some people apply the same multiple of 4 or more to the present excise revenue of more than Rs. 50 crores and argue that the present drinking bill must be more than Rs. 200 crores.

The tax element constitutes on an average about 60 per cent of the price of licit liquors

23. This is obviously an over-estimate. The fact of the matter is that the excise duties on liquor and other rentals and fees today are very much higher than in the 1920's and the 1930's and the selling price of licit liquor is not very much higher than the total amount of tax per unit of liquor. We give and reproduce in Table 4 for ready reference, the selling prices as well as the amount of tax paid per quart bottle of various types of foreign or Indian licit liquors. It will be seen that in all cases, taxes constitute a very high proportion of total selling price. Only in the case of toddy and beer, both of which are liquors of very low alcoholic percentage, the tax-price ratio is as low as 57 per cent and 44 per cent respectively. For all other liquors, whether imported spirits, Indian manufactured foreign spirits or country spirits, the tax constitute between 65 per cent and 75 per cent of prices, with the result that the price of licit liquor can never be more than twice the figure of total excise revenue and other taxes. Even in the case of toddy, where the tax is a relatively small percentage of sale price, the price is not more than twice the tax. Taking all kinds of licit liquors together, if we regard taxes as constituting about 60 per cent of sale price, we could put down the total drinking bill for licit drink to be 100/60 *i.e.* about 1.66 times, or 67 per cent higher than the total tax receipts. But every state has its own rate of tax, and price as well as the tax price ratio varies. In some cases, the consumer has to pay a large multiple of tax as price of liquor and in others a relatively small one.

24. Now since the total receipts from excise duties on liquor in wet areas are Rs. 56 crores, and on the basis of Table 4 the price-tax ratio works out to be 100 : 60 we could regard the total drinking bill for licit liquor in wet areas alone as 67 per cent higher at the outset, *i.e.* about Rs. 94 crores in the year 1963-64. To the extent, however, that tax-price ratio varies from the average seen in the Table, it is possible that the licit drinking bill is different from that estimated here.

The drinking bill for illicit liquor may be about Rs. 9 crores in wet areas

25. To this we have to add the bill for illicit liquor consumption, as this type of consumption is known to exist even in wet areas. We have shown earlier in this chapter how in our estimate illicit sales of liquor in wet areas amount to about one-fourth of licit sales or about one-fifth of total sales of liquor. Assuming for our immediate purpose the illicit consumption to be one-fourth of licit consumption, we should be tempted to add one-fourth of Rs. 94 crores, that is, about Rs. 24 crores as the bill for illicit consumption. This, however, is not true as the price of illicit liquor in wet areas is much lower than that of licit liquor, partly because contraband liquor pays no tax at all and partly because of the lower quality and other factors. We have given in Table 3 an idea of the relative prices of licit and illicit liquors in wet areas. It is known that the price range for

licit country liquor is between Rs. 4 and Rs. 12, though the generality of sales in the majority of states take place at a price ranging between Rs. 4 and Rs. 6 per bottle of 750 ml. We can thus take the average price of licit country liquors to be Rs. 5 per bottle for the country as a whole. Compared to this, illicit liquor sales in wet areas are at prices ranging between Re. 1 to Rs. 2.50, though occasional sales at Rs. 3 are also known. Taking the most common price for contraband liquor to be Rs. 2 per bottle, and that of licit liquor to be Rs. 5 per bottle we should have to put down the bill for illicit liquor at $2/5 \times 24$ crores (or $2/5 \times 1/4 \times 94$ crores) that is Rs. 9 crores. Adding the licit bill of Rs. 94 crores to the illicit bill of Rs. 9 crores we get a figure of Rs. 103 crores, as the approximate total drinking bill in wet areas in 1963-64.

TABLE 4
Percentage of taxes to prices of licit liquors

Type of liquor	Selling price per bottle	All taxes per bottle	Percentage of taxes to selling price
I	2	3	4
	Rs.	Rs.	
<i>Imported Spirits :</i>			
1. Scotch Whisky	74.0	55.97	75.67
2. French Cognac Brandy	95.0	62.69	65.78
3. Ordinary Brandy	80.0	58.53	73.50
<i>Indian Manufactured Foreign Spirits:</i>			
4. Whisky	40.0	25.84	64.60
5. Ordinary Brandy	30.0	22.64	75.47
6. Ordinary Rum	30.0	22.64	75.47
7. Gin	32.0	23.28	72.75
8. Beer	4.5	1.96	43.56
<i>Country Spirits:</i>			
9. Andhra Pradesh (30 u.p.)	4.0	2.20	55.0
10. Assam (30 u.p.)	4.3		
11. Himachal Pradesh (60 u.p.)	14.0	10.94	78.14
12. West Bengal (50 u.p.)	4.88	3.27	67.01
<i>Toddy:</i>			
Andhra Pradesh	0.31	0.18	58.06

The drinking bill for illicit liquor in dry areas may be in the region of Rs. 43 crores

26. We now have to add the drinking bill of dry areas to this total. This calculation is obviously full of hazards and we are inclined to omit it altogether. On one or two assumptions however, a very rough estimate of the drinking bill of dry areas can, nevertheless, be had. We have observed in an earlier chapter that the quantity drunk in dry areas stands approximately in the ratio of 87:130, that is about two-thirds of the quantity in wet areas. If this be true we should be tempted to reckon the per head drinking bill in dry areas at two-thirds of that in wet areas. This, however, would not be an appropriate thing to do as one or two major adjustments have to be made. Even if the quantity drunk in dry areas is 66 per cent of that in wet areas, all the liquor consumed in the former is consumed illicitly and is free from tax. On the other hand, the price of illicit liquor in dry areas is far above that in wet areas. In Table 2, we have already shown the price range of illicit country liquor in dry areas to be between Rs. 2.50 nP. to Rs. 6 in the generality of cases, although occasional instances of sales at Rs. 8 to Rs. 12, say, in the densely populated area of Greater Bombay are also known. Thus illicit liquor in dry areas may be taken to sell at an average price of Rs. 5 per bottle of 750 ml., which is approximately the same as the average price of licit liquor in wet areas. We should, therefore, be committing in all probability, no great mistake in putting down the value of liquor consumed per head in dry areas to be two-thirds of the per head value in wet areas, as the price factor is almost neutral between licit liquor in wet areas and illicit liquor in dry ones.

27. The per capita consumption of liquor in wet areas works out to Rs. 3.86 (the resultant of total licit sales of Rs. 103 crores divided by the population of 266.6 million). Two-thirds of this figure is Rs. 2.57 and applying this to the total population of dry areas of 166 million we can make an approximate estimate of the drinking bill in dry areas as Rs. 43 crores. We, thus, get the following results:

TABLE 5

Licit and illicit drinking bill

	Population (million)	area ¹ in thousand sq. miles	Value of consumption (Rs. crores)		
			Licit liquor	Illicit liquor	Total
1	2	3	4	5	6
Dry Areas	166.0	438.6	N.A. ¹	43	43
Wet Areas	266.6	768.0	94	9	103
Total	432.6	1206.6	94	52	146

¹ Liquor on permits omitted.

Union territories have not been taken into account.

The drinking bill for the country as a whole may be Rs. 146 crores

28. Thus the drinking bill for the country as a whole may roughly be taken to be Rs. 146 crores, composed of Rs. 94 crores of licit sales and Rs. 52 crores of illicit sales. Of the licit sales, Rs. 56 crores constitute excise revenue which accrues to the Government. Of the illicit sales Rs. 9 crores (approximately) are spent in wet areas and Rs. 43 crores in dry areas.

29. Our estimates here have been based on the prices of country liquor alone, which of course accounts for by far the largest part of total liquor consumption. Foreign and Indian manufactured foreign liquors are also consumed and these are priced higher, so that if we take account of this fact, the total drinking bill will be higher too. However, as toddy, sendhi and lugri, etc. are also drunk in specific regions and as these drinks have a lower price than country liquors, we can balance the high price of foreign liquor and IMFL against the low price of toddy etc. Our rough estimates therefore need not be altered because of this factor.

30. Apart from illicitly distilled and licit liquors there is also smuggled liquor and misuse of spirituous medicinal and toilet preparations. Besides, a considerable amount of money is spent on drinking denatured spirit and other industrial preparations containing a high concentration of alcohol, e.g., french polish, thinners, etc. We have no indices of the amount of money spent on these and other similar alcoholic preparations. This, however, is manifest that the total drinking bill may be considerably higher than estimated above.

31. When all the financial estimates of the losses through expenditure on drinking have been made, the incalculable cost in terms of broken homes, neglected children, wasted lives, traffic accidents, damage to property, etc. still remains.

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CHAPTER XXIX

FINANCIAL LOSSES AND GAINS

While dealing with the financial aspect of prohibition, we are all too aware of the fact that finance is by no means the most important consideration. It is a foregone conclusion that excise revenues will decline very substantially and fall to nominal figures in states which go dry. This is so because revenue from intoxicating liquors is the most significant part of total excise revenues. Items other than liquors such as opium, ganja, bhang, industrial alcohols, etc. constitute less than 5 per cent of total excise revenue in the generality of cases. The liquor excise revenue of Bombay State which was about Rs. 8;5 crores in 1946-47 before prohibition, declined to about half a crore after the phased programme of prohibition was completed in 1951-52. The same was the case with Madras and the major decline in liquor excise revenue from Rs. 15;8 crores to Rs. 0;05 crore consequent upon the enforcement of prohibition can be seen in Table 2.

Decline in excise revenues as a result of prohibition a foregone conclusion but the community's gain may more than offset governmental loss

2. Thus, when prohibition is contemplated, a decline of excise revenue from very substantial levels to almost nominal levels is known in advance. But the case for prohibition rests, among other things, on the argument that while the government loses much revenue the community gains a great deal by 'saving' the expenditure on liquor and diverting it to more fruitful pursuits. As a matter of fact, since the tax paid on liquor is only a part of the price paid for liquor, it is obvious that the 'saving' of the community as a result of prohibition will be larger than the loss of tax revenue to the government. This 'saving' on the part of the community, it is presumed, will go to improve its nutrition and health, give it better clothing, housing and entertainment, augment its purchase of durable consumer goods to some extent and bring about an increase in the general level of living. Thus, the loss to the fiscal authority will be more than offset by the gain to the community and total welfare will have increased.

Much of the loss may be recovered from other taxes

3. Nor will the fiscal authority really lose all that the decline in excise revenue suggests. As the community diverts its expenditure from drink to other items like food, clothing, entertainment, etc., the government will be able to collect through taxes on food (as in some rare cases, *e.g.*, Madras), sales taxes and entertainment duties, etc., at least a part, if not the whole, of what it loses by way of excise revenue. The qualification has, of course, to be added that the rates of duties on items subject to sales tax, such as clothing, and on entertainment are much smaller than the rates of duty on liquor so that the diversion of expenditure from drink to other items will result in smaller tax receipts than the loss of revenue from

excise, unless, of course, collections from entertainment taxes and sales taxes etc., increase due to other reasons unconnected with the diversion from liquor and connected with the general secular increases in incomes and expenditures owing to economic development. Even with this qualification, the point remains that a part of losses in excise may be expected to be recouped through gains from entertainments and sales taxes etc. Thus, the Government does not lose all its revenue while the community gains a great deal in terms of increase in welfare. As for the losses to the liquor entrepreneurs, they can be assumed to be offset by the gains to other entrepreneurs on whose products the expenditure of the public is diverted. Total welfare thus increases.

4. The case for prohibition then rests, among other things, on the argument that the Government does not lose on balance very much while the community switches over to a more productive pattern of expenditure. There is, therefore, no point in over-stretching the argument of losses in excise revenue as these can be shown to be recouped, largely if not wholly, by other gains to the Government, and in any case by gains to the community as a whole.

5. The real point at issue is whether the community does really divert the expenditure away from drink, or continues to fritter away large chunks of its income on illicit drinking. For if it does not divert its expenditure, not only does it not improve its nutrition, health and housing etc., but also subjects itself to all the unhygienically prepared liquors and harmful drugs and medicinal and toilet preparations. The Government then loses excise revenue from licit liquor and cannot replace it with any other revenue. In this situation there are losses all round, except to the illicit liquor entrepreneurs, and in that case total welfare diminishes.

The issues to be investigated

6. The discussion thus turns on the following issues:—

- (i) To what extent in a dry area is there a gain to the community in terms of a diversion of expenditure from liquor to other items?
- (ii) To what extent is this gain hindered owing to the consumption of contraband liquors and illicit medicinal preparations?
- (iii) What is the extent of financial loss to the fiscal authority in terms of loss of revenue and the additional cost of prohibition administration?
- (iv) To what extent is the State able to recover its losses through substituting sales tax, entertainment tax and other revenues in place of liquor excise?
- (v) Balancing the net loss to the State against the net gain to the rest of the community, what is the final position of loss or gain?

7. It is true that a mere statement of financial loss to the State is irrelevant to the judgment on prohibition, but a balancing of the State's loss against the community's gains or losses is not irrelevant. Such a balancing provides as good an evaluation of the issue as any, although it does not provide a complete evaluation inasmuch as some qualitative aspects of the issue like changes in the community's health etc., are left out of account.

8. We thus undertake an exercise in making an estimate of losses and gains on government account and balancing the net loss to the government against the net gain (or loss) to the rest of the community, so that a judgment may be possible on the net loss or gain to the society as a whole.

Losses of Revenue to the Fiscal Authority

9. In Table A of the Appendix to this chapter we give revenues from liquor excise separately for dry, partially dry and wet States and indeed for India as a whole from 1946-47 to 1963-64, as far as possible. The nomenclature used for the Indian States is that prevalent in the year 1963 but adjustments have been made in the revenue figures for changes in areas owing to the reorganization of the States (area changes) and owing to a shift from dry to wet (or from wet to dry) set-up (functional changes).

10. In the year 1944-45, that is, before the enforcement of prohibition on any significant scale, the total excise revenue for all-India was Rs. 66 crores. With the enforcement of prohibition in the States of Maharashtra, Gujarat and Madras (and in some other areas) excise revenue declined phenomenally, but in the wet or partially wet States, this has continued to be a very buoyant item.

11. To assess governmental losses in financial terms one has to make estimates of: (i) losses of revenues from excise; and (ii) losses through expenditures on the enforcement of prohibition. The loss of revenue today to a state which went dry some years ago (say in 1947-48) is not merely the difference between the excise revenue it received before prohibition, say in 1946-47, and the nominal revenue it receives now; nor indeed is it the difference between the pre-prohibition excise revenue and the excise revenue immediately after the phased programme of prohibition was completed. Rather, it is the difference between the excise revenue now and what this revenue might have been if the state had not gone dry. In other words, if the State of Maharashtra had a pre-prohibition (1946-47) excise revenue from liquor of Rs. 8.5 crores, it is obvious that this revenue would have increased to a higher figure if the State had not chosen to go dry. How should one estimate the trend in excise revenue in this hypothetical case? The procedure we have followed here is to estimate first, for each of the wet States, the rate of increase of excise revenue over the period 1946-47 to 1963-64. But owing to the difficulties of regional changes, in particular through State Reorganization in 1956-57, we have chosen to estimate separately the trends in revenues before and after this event. The annual percentage rates of change of excise revenue for wet areas before and after State Reorganization can be seen in Table 1. It is clear that excise revenue for India as a whole did not change much at all in the few years prior to 1956-57 and a saturation point appears to have been reached. But since 1956-57, there has been rather a rapid increase, the all-India average annual rate of increase of excise revenue for all wet areas working out to be 3.2 per cent for the years 1957-58 to 1963-64. We have assumed that in dry states the rate of increase of excise revenue would have been of the same order as the average for the wet areas in India. The pre-prohibition 1946-47 base revenue from excise in Bombay (Gujarat and Maharashtra) and the 1945-56 base revenue for Madras (inclusive of the 11 currently dry districts of Andhra Pradesh) have thus been taken to remain constant until 1956-57 and allowed to increase at an

annual rate of 3.2 per cent since that year. Table 2 gives the actual excise revenue as well as the estimated excise revenue in the completely dry states (including the 11 dry districts of Andhra Pradesh) if these states had not gone dry. The difference between these probable and actual revenues, which is the real loss, is shown in columns 4 and 7 respectively of this Table. Estimated in this way, it appears that in the year 1962-63, Maharashtra and Gujarat together have sustained a loss from excise of about Rs. 9.91 crores while Madras, inclusive of the dry districts of Andhra Pradesh, had undergone a loss of another Rs. 18.98 crores. For the year 1963-64, the losses in Maharashtra *cum* Gujarat and in Madras *cum* Andhra would appear to be Rs. 10.21 crores and Rs. 19.60 crores respectively, making a total annual loss of Rs. 29.81 crores on account of the completely dry areas alone (including Andhra).

TABLE I

Annual Percentage Rates of Change of State Excise Revenue on Liquor

State	Annual Percentage Rate of Change in Revenue	
	Pre-State Reorganisation period	Post-State Reorganisation period (1957-58 1963-64)
<i>Partially Dry Areas</i>		
1. Mysore	-2.28	-0.18
2. Kerala	-1.75	4.87
3. A.P. ¹	..	3.53
4. Orissa	0.77	8.13
5. Assam	5.12	0.33
6. M.P.	1.29	3.06
7. Punjab	2.85	1.72
Partially Dry Areas	-0.40	2.79
<i>Wet Areas</i>		
8. Rajasthan	-0.76	3.87
9. U.P.	-1.11	5.05
10. Bihar	-0.24	2.79
11. West Bengal	-0.90	2.73
12. Jammu & Kashmir	12.27	6.81
Wet Areas	-1.76	3.72
Partially Dry & Wet Areas	-1.25	3.22

¹Pre-State Reorganisation Andhra was completely dry.

The equation for the least square regression lines from which the annual percentage rates of change of revenue have been estimated are given below. The equations are of the type:

$$\log Y = a + b T$$

where Y is revenue, T is time depicted in years and a and b are constants, b representing the annual percentage rate of change.

States	Years for which the rates have been estimated	Base year (T=0)	Regression Equations	
			Pre-State Reorganisation	Post-State Reorganization (1957-58 to 1963-64) Base year: 1960-61. T=0
1	2	3	4	5
Partially Dry Areas				
1. Mysore .	51-52 to 55-56	53-54	$\log Y = 2.2005 - .0228 T$	$\log Y = 2.4287 - .0018 T$
2. Kerala .	51-52 to 55-56	53-54	$\log Y = 2.2000 - .0175 T$	$\log Y = 2.4186 + .0487 T$
3. A.P. .				$\log Y = 2.8497 + .0353 T$
4. Orissa .	47-48 to 56-57	51-52	$\log Y = 1.7826 + .0077 T$	$\log Y = 1.9806 + .0813 T$
5. Assam .	47-48 to 56-57	51-52	$\log Y = 2.0530 + .0512 T$	$\log Y = 2.2632 + .0033 T$
6. M.P. .	47-48 to 55-56	51-52	$\log Y = 2.1897 + .0129 T$	$\log Y = 2.6313 + .0306 T$
7. Punjab .	47-48 to 55-56	51-52	$\log Y = 2.1163 + .0285 T$	$\log Y = 2.7062 + .0172 T$
Partially Dry Areas .				
	51-52 to 55-56	53-54	$\log Y = 2.9470 - .0040 T$	$\log Y = 3.3911 + .0279 T$
Wet Areas				
8. Rajasthan .	51-52 to 55-56	53-54	$\log Y = 2.2122 - .0076 T$	$\log Y = 2.5824 + .0387 T$
9. U.P .	47-48 to 56-57	51-52	$\log Y = 2.6383 - .0111 T$	$\log Y = 2.7785 + .0505 T$
10. Bihar .	47-48 to 56-57	51-52	$\log Y = 2.6170 - .0024 T$	$\log Y = 2.7085 + .0279 T$
11. West Bengal	48-49 to 56-57	52-53	$\log Y = 2.6368 - .0090 T$	$\log Y = 2.7314 + .0273 T$
12. J. & K. .	51-52 to 56-57	53-54	$\log Y = 1.0021 + .1227 T$	$\log Y = 1.6069 + .0681 T$
Wet Areas .				
	51-52 to 55-56	53-54	$\log Y = 3.1503 - .0176 T$	$\log Y = 3.3174 + .0372 T$
Partially Dry & Wet Areas .				
	51-52 to 55-56	53-54	$\log Y = 3.3617 - .0125 T$	$\log Y = 3.6570 + .0322 T$

TABLE 2

Estimates of Losses in State Excise Revenue from Liquors due to Prohibition

(In lakhs of rupees)

Year	Bombay (Maharashtra & Gujarat of 1963-64)			Madras (including 11 dry districts of A.P.)		
	Actuals	Probable* if Wet	Net Loss	Actuals	Probable* if Wet	Net Loss
1	2	3	4	5	6	7
1945-46	NA	..	..	1577.00	1577.00	..
46-47	850.00	850.00	..	1436.03	1577.00	140.93
47-48	796.27	850.00	53.73	937.02	1577.00	639.98
48-49	585.17	850.00	264.83	304.72	1577.00	1272.28
49-50	370.19	850.00	479.81	6.50	1577.00	1570.41
50-51	75.78	850.00	774.22	5.52	1577.00	1571.48
51-52	59.60	850.00	790.40	11.99	1577.00	1565.01
52-53	51.55	850.00	792.01	4.46	1577.00	1572.54
53-54	56.43	850.00	793.55	6.60	1577.00	1570.40
54-55	38.09	850.00	811.91	5.72	1577.00	1571.28
55-56	34.27	850.00	815.73	5.96	1577.00	1571.04
56-57	78.07	850.00	771.93	6.56	1577.00	1570.44
57-58	106.34	877.37	771.03	8.47	1627.78	1619.31
58-59	67.62	905.62	838.00	8.32	1680.19	1671.87
59-60	38.96	934.78	895.82	8.85	1734.29	1725.44
60-61	37.63	964.88	927.25	8.32	1790.13	1781.81
61-62	40.11	995.95	955.84	11.06	1847.77	1836.71
62-63 RE	37.14	1028.02	990.88	8.82	1907.27	1898.45
63-64 BE	40.15	1061.12	1020.97	8.82	1968.68	1959.86

Source: 1. Combined Finance and Revenue Accounts of the Central and State Governments in India, 1946-47 to 1959-60.

2. State Budget Papers: 1960-61 to 1963-64.

3. Madras Administration Report, 1945-46 and 1946-47.

R.E.=Revised Estimates.

B.E.=Budget Estimates.

* The figures of State Excise Revenue have been assumed to remain constant till 1956-57 and projected according to the annual percentage change of excise revenue in wet areas of 3.22 for the years 1957-58 to 1963-64.

Revenue loss of all dry areas of the country Rs. 40 crores

12. We have to add to this the loss of revenue in partially dry areas. Separate figures of excise revenues for dry and wet regions of those states which are only partially dry are not available. However, the 1963-64 excise revenue of wet and partially dry states is Rs. 55.72 crores and the population of the wet regions of these states is 266.6 millions. Assuming, as we can, that almost the whole of excise revenue arises from the wet regions of these states, the per head excise revenue works out to be Rs. 2.10 in the afore-mentioned year. Applying this figure to the 48.90¹ million population of the dry regions of partially dry States, we obtain a figure of Rs. 10.30 crores which reflects approximately the revenue that might have arisen in the dry regions of the partially dry states had they been wet. Adding this to the loss of Rs. 29.81 crores in wholly dry states (including Andhra) we estimate the gross loss of revenue resulting from prohibition to be Rs. 40.14 crores.

TABLE 3

Liquor excise revenue per head and per square mile (1963-64)^a

Regions	Population (millions)	Area ('000 sq. miles)	Excise Revenue (in Rs. millions)	Excise Revenue Per Head of Population (in Rs.)	Excise Revenue per sq. mile (in Rs.)
1	2	3	4	5	6
Dry States ^b	117.14	303.1	d	d	d
Dry Region of Partially Dry States	48.90	135.5	..	..	..
TOTAL (Dry)	166.04	438.6	..	..	..
Wet Region of Partially Dry States	87.75	335.1	293.48	3.34	875.80
Wet States ^c	178.86	432.9	263.73	1.47	609.21
TOTAL (Wet)	266.61	768.0	557.21	2.10	725.53

^a The population figures used here are of 1961.

^b Also includes 11 dry districts of Andhra Pradesh.

^c A few dry pockets of Rajasthan are treated as wet for purposes of analysis.

^d The liquor excise revenue of dry States was 0.41 crores but has been taken to be nil.

¹The population of the 11 dry districts of Andhra has been including in completely dry States.

Losses Through Expenditure on Enforcement of Prohibition

Estimation of loss through prohibition enforcement quite hazardous

13. The estimation of financial losses owing to enforcement of prohibition is extremely hazardous. Major expenditure on enforcement arises from the maintenance of a police force, a prohibition department, jails and courts of law. Some expenditures arise also from minor departments like that of the chemical analyst. The chief difficulty in an accurate estimate of expenditures relevant to prohibition enforcement is that almost each one of these departments is engaged in activities other than the enforcement of prohibition. The police, for example, devote only a part of their energies to prohibition work. Jails have prisoners on prohibition account as well as for other offences. Courts of law devote only a part of their working time to this category of work and the chemical analyst does much other chemical analysis than merely a testing of blood samples with a view to finding out the degree of alcohol, if any. The departments of prohibition and excise are the only ones whose expenses can be put down as entirely due to enforcement of liquor laws. Nor is it easy for the departments of police and chemical analyst and for jails and law courts to decide what proportion of their resources in time and money are devoted to enforcement. In the State of Maharashtra, with a great deal of effort, the police authorities have been able to calculate approximately that out of a total annual budget for 1962-63 of Rs. 12·10 crores, a sum of Rs. 110·0 lakhs, that is 9 per cent of the total, was devoted to prohibition enforcement. In Gujarat, comparable figures were worked out by the police department to be 3·38 per cent of a total police expenditure of Rs. 6 crores. But, by and large, we have not found it possible to obtain from the authorities an exact break-up of the expenditures into those relevant for prohibition enforcement and those unrelated thereto. The difficulty is perhaps in the nature of things

A rough estimate of losses through prohibition expenditures is Rs. 5·4 crores

14. Further difficulties arise from the fact that other branches of administration, such as the Cabinet, the General Administration Department and the Finance Department devote a part of their resources in time and in money to prohibition work. Thus, a thorough calculation of the financial burdens arising out of prohibition enforcement is almost impossible. Nevertheless, on the broad assumption that in the totally dry States of Maharashtra, Gujarat and Madras, 10 per cent of the expenditure of police excise, jails and law courts are on prohibition account, we can split the figures given in Table 4, and obtain a rough idea of the burdens of expenditure. For the States of Andhra Pradesh, Mysore and Kerala where 11 out of 20 districts, 16 out of 19 districts and 5 out of 9 districts respectively are dry, we take 5 per cent of these departmental expenditures to be relevant for prohibition enforcement as distinct from 10 per cent in completely dry States. For the remaining partially, almost nominally, dry States of Assam, Himachal Pradesh, Madhya Pradesh, Orissa, Punjab, Rajasthan and Uttar Pradesh, where only a very small number of districts are (or were) dry, we omit altogether the expenditure on enforcement. On this basis, we make a rough estimate in Table 5 of total expenditure on enforcement in dry areas.

TABLE 4

*Average Annual Expenditure on Police, Excise, Jails and Law Courts
(1960-61 to 1962-63)*

(Rs. lakhs)

State	Police	Excise	Jails	Law Courts	Total
1	2	3	4	5	6
1. Gujarat	87.67	9.05	26.33	87.67	210.72
2. Madras	622.33	66.10	129.33	149.00	966.76
3. Maharashtra	1141.97	29.03	99.00	219.00	1489.00
SUB-TOTAL	1851.97	104.18	254.66	455.67	2666.48
4. Andhra Prade	647.89	43.56	52.33	128.83	872.61
5. Assam	439.33	20.40	28.00	25.00	512.73
6. Bihar	597.20	39.74	132.91	118.30	888.15
7. Jammu & Kashmir	308.67	8.91	6.33	13.67	337.58
8. Kerala	263.11	23.92	36.27	96.15	419.45
9. Madhya Pradesh	692.33	39.53	53.00	117.33	902.19
10. Mysore	380.00	25.92 ^a	42.33	96.33	544.58
11. Orissa	237.67	21.92	33.33	38.67	331.59
12. Punjab	614.00	28.95	75.67	72.67	791.29
13. Rajasthan	505.33	59.64	36.33	56.33	657.63
14. Uttar Pradesh	1186.67	93.35	182.17	194.37	1658.56
15. West Bengal	907.33	49.07	109.33	134.67	1200.40
TOTAL	8631.50	561.09	1042.66	1547.99	11783.24

^a The figure, not being available, has been taken as 4.76 per cent of the total expenditure on police, excise, jails and law courts in Mysore State; the percentage being the same as in all-India total (excluding Mysore).

TABLE 5

Estimates of Expenditure on Enforcement of Prohibition in Wholly and Largely Dry States

(Rs. lakhs)

State ¹	Police	Excise	Jails	Law Courts	Total
I	2	3	4	5	6
1. Gujarat	8.77	9.05	2.63	8.77	29.22
2. Madras	62.23	66.10	12.93	14.90	156.16
3. Maharashtra	114.20	29.03	9.90	21.90	175.03
SUB-TOTAL	185.20	104.18	25.46	45.57	360.41
4. Andhra Pradesh	32.39	43.56	2.62	6.44	85.01
5. Kerala	13.16	23.92	1.81	4.81	43.70
6. Mysore	19.00	25.92	2.12	4.82	51.86
SUB-TOTAL	64.55	93.40	6.55	16.07	180.57
TOTAL	249.75	197.58	32.01	61.64	540.98

¹These figures represent 10 per cent of departmental expenditure in the first three States and 5 per cent in the last three States.

Revenue loss plus expenditure loss equals Rs. 46.0 crores

15. A further difficulty must be mentioned. This arises from the fact that the courts of law have their receipts from fines as also their expenditures. Similarly jails have some receipts from the sales of products manufactured therein by prisoners. On the other hand, the purchases of raw materials for the manufacture of jail products figure under jail expenditures. The only possible way of getting rid of these difficulties appears to be to balance and cancel the receipts from law courts and jail products against the expenditures of raw materials purchased for jails and the expenses of the chemical analyst's departments. It will be seen from Table 5 that the total of expenditures works out to be Rs. 5.4 crores, which may be added to the losses of revenues earlier estimated to be Rs. 40.1 crores. The total annual loss to the governments, both on grounds of revenue losses and on grounds of enforcement expenditures can then be said to be Rs. 45.5 crores, or say Rs. 46 crores, and this figure may be equally valid for the years 1962-63 and 1963-64.

Recovery of Excise losses in Dry Areas through other Taxes

16. Having estimated the gross losses through excise revenue and enforcement expenditures, it is important to ask how much of these losses to the governments are recovered through other indirect taxes on goods and services on which the public diverts the expenditure which it previously incurred on alcoholic beverages. It is obvious that if prohibition is effective, there will be a shift of expenditures from alcohol to food, clothing, housing, medicine and various kinds of entertainments if not to the purchase of durable consumer goods. The presumption, therefore, is that the government will receive additional revenues from sales tax, entertainments tax, central excise etc. so that the *net* loss of revenue would not be considerable. This hypothesis needs to be tested not only because it is an interesting one in itself but also because it reflects upon, and may constitute an index of the success of prohibition.

17. A version of this hypothesis is that the combined receipts from sales taxes and State excise duties will increase at a faster rate in dry areas than in wet ones. This will be so because in dry areas the decline in excise will be more than offset by an increase in sales taxes owing to a diversion of expenditures from liquor to other items, while in wet areas there will be no such diversion. In support of this proposition, a Table was given to us which we produce in Table E of the Appendix to this Chapter after some necessary corrections. The proposition in question, however, does not seem to be proved from the Table. Sales and excise tax receipts taken together do not reveal any noticeably faster rate of growth in dry areas than in partially dry or wet ones between 1961-62 and 1962-63. In any case, the study relates to change between only two years and cannot be expected to reveal much.

18. A more comprehensive study has been made by us of trends in receipts from sales and luxury taxes and to some extent central excise taxes for the period 1947-48 to 1956-57, that is, before states Re-organization, and the period between 1956-57 and the present day. Tables 6 and 7 show for dry, partially dry and wet states separately, the annual rates of increase of sales tax and luxury tax. These rates are derived from the basic data given in Tables B and C of the Appendix to this chapter.

TABLE 6

Annual Percentage Rates of Change of Sales Tax Revenue

State	Annual Percentage Rate of Change of Revenue	
	Pre-State Reorganization Period	Post-State Reorganization Period (1957-58 to 1963-64)
1	2	3
<i>Dry Areas</i>		
1. Madras	6.55	4.73
2. Bombay	7.40	3.98
<i>Partially Dry Areas</i>		
3. Mysore	2.62	6.09
4. Kerala	—0.61	7.72
5. Andhra Pradesh ¹	—	4.32
6. Orissa	12.39	8.03
7. Assam	23.12	7.15
8. Madhya Pradesh	5.75	7.74
9. Punjab	9.58	5.66
<i>Wet Areas</i>		
10. Rajasthan ²	—	6.26
11. U. P.	2.23	4.43
12. Bihar	4.68	4.92
13. West Bengal	3.63	4.56
14. Jammu & Kashmir	5.56	9.17
All India	5.25	5.50

1. Pre-reorganisation Andhra is included in Madras.

2. No revenue till 1953-54.

The equations for the least square regression lines from which the annual percentage rates of change of revenue have been estimated are given below. The equations are of the type :

$$\log Y = a + b T$$

where Y is revenue, T is time depicted in years and a and b are constants, b representing the annual percentage rate of change.

State	Years for which the rates have been estimated	Base year (T=0)	Regression Equations	
			Pre-State Reorganization	Post-State Reorganization (1957-58 to 1963-64) Base year : 1960-61, T=0
1	2	3	4	5
<i>Dry Areas</i>				
1. Madras	47-48 to 51-52	49-50	$\log Y = 3.1462 + .0655 T$	$\log Y = 2.2754 + .0473 T$
2. Bombay	47-48 to 55-56	51-52	$\log Y = 3.1097 + .0740 T$	$\log Y = 3.6327 + .0398 T$
<i>Partially Dry Areas</i>				
3. Mysore	50-51 to 55-56	52-53	$\log Y = 2.2000 + .0262 T$	$\log Y = 2.9185 + 0.609 T$
4. Kerala	50-51 to 55-56	52-53	$\log Y = 2.3828 - .0061 T$	$\log Y = 2.9400 + .0772 T$
5. Andhra	47-48 to 56-57	51-52	$\log Y = 1.8109 + .1289 T$	$\log Y = 3.0877 + .0432 T$
6. Orissa				$\log Y = 2.5042 + .0803 T$
7. Assam	47-48 to 56-57	51-52	$\log Y = 1.3894 + .2312 T$	$\log Y = 2.4265 + .0715 T$
8. M. P.	47-48 to 55-56	51-52	$\log Y = 2.2816 + .0575 T$	$\log Y = 2.8622 + .0774 T$
9. Punjab	48-49 to 55-56	51-52	$\log Y = 2.1812 + .0958 T$	$\log Y = 2.8697 + .0566 T$
<i>Wet Areas</i>				
10. Rajasthan	48-49 to 56-57	52-53	$\log Y = 2.7463 + .0223 T$	$\log Y = 2.6151 + .0626 T$
11. U. P.				$\log Y = 3.0672 + .0443 T$
12. Bihar	47-48 to 56-57	51-52	$\log Y = 2.4860 + .0468 T$	$\log Y = 2.9783 + .0492 T$
13. West Bengal	48-49 to 56-57	52-53	$\log Y = 2.7266 + .0363 T$	$\log Y = 3.2776 + .0456 T$
14. J & K	51-52 to 56-57	53-54	$\log Y = 0.7710 + .0556 T$	$\log Y = 1.3180 + .0917 T$

TABLE 7

Annual Percentage Rates of Change of Luxury Tax Revenue

State	Annual Percentage Rate of Change of Revenue	
	Pre-State Reorganization Period	Post-State Reorganization Period (1957-58 to 1963-64)
1	2	3
<i>Dry Areas</i>		
1. Madras	3.68	5.57
2. Bombay	-0.07	4.96
<i>Partially Dry Areas</i>		
3. Mysore	-0.69	5.96
4. Kerala ¹		-13.83
5. Andhra Pradesh ²		5.34
6. Orissa	8.08	6.42
7. Assam	8.70	1.59
8. Madhya Pradesh	0.10	8.05
9. Punjab	4.60	5.09
<i>Wet Areas</i>		
10. Rajasthan ³		17.56
11. U. P.	1.89	7.70
12. Bihar	4.00	8.10
13. West Bengal	0.46	3.97
14. Jammu & Kashmir	2.24	6.31
15. All India	2.45	5.20

¹Luxury Tax Revenue was Nil upto 1955-56.

²Figures for Andhra for 1953-54 to 1955-56 are included in Madras.

³Revenue being less than Rs. 1 lakh every year during 1951-52 to 1955-56, the trend has not been calculated.

The equations for the least square regression lines from which the annual percentage rates of change of revenue have been estimated are given below. These equations are of the type :

$$\log Y = a + b T$$

where Y is revenue, T is time depicted in years and a and b are constants, b representing the annual percentage rate of change.

State	Years for which the rates have been estimated	Base year (T=0)	Regression Equations	
			Pre-State Reorganization	Post-State Reorganization (1957-58 to 1963-64) Base year : 1960-61 T=0
1	2	3	4	5
Dry Areas				
1. Madras	47-48 to 51-52	49-50	$\log Y = 2.1347 + .0368 T$	$\log Y = 2.3606 + .0557 T$
2. Bombay	47-48 to 55-56	51-52	$\log Y = 2.4245 - .0007 T$	$\log Y = 2.5995 + .0496 T$
Partially Dry Areas				
3. Mysore	51-52 to 55-56	53-54	$\log Y = 1.3585 - .0069 T$	$\log Y = 1.9254 + .0596 T$
4. Kerala				$\log Y = 0.6096 - .1383 T$
5. Andhra				$\log Y = 2.0321 + .0534 T$
6. Orissa	47-48 to 56-57	51-52	$\log Y = 0.6186 + .0808 T$	$\log Y = 1.1291 + .0642 T$
7. Assam	47-48 to 56-57	51-52	$\log Y = 0.9641 + .0870 T$	$\log Y = 1.4403 + .0359 T$
8. M. P.	47-48 to 55-56	51-52	$\log Y = 1.4609 + .0010 T$	$\log Y = 1.8107 + .0805 T$
9. Punjab	48-49 to 55-56	51-52	$\log Y = 1.2455 + .0460 T$	$\log Y = 1.8266 + .0509 T$
Wet Areas				
10. Rajasthan				$\log Y = 1.2891 + .1756 T$
11. U. P.	47-48 to 56-57	51-52	$\log Y = 1.8927 + .0189 T$	$\log Y = 2.2088 + .0770 T$
12. Bihar	47-48 to 56-57	51-52	$\log Y = 1.4731 + .0400 T$	$\log Y = 1.8307 + .0810 T$
13. W. Bengal	48-49 to 56-57	52-53	$\log Y = 2.2310 + .0046 T$	$\log Y = 2.3997 + .0397 T$
14. J. & K.	51-52 to 56-57	53-54	$\log Y = 0.1481 + .0224 T$	$\log Y = 0.8332 + .0631 T$

Sales tax rates of increase no higher in dry States than in wet ones

19. The conclusions seem obvious that for India as a whole the annual rates of increase of sales tax and luxury tax revenue respectively were 5.25 per cent and 2.45 per cent on the average before 1956-57 and increased to somewhat higher figures of 5.50 per cent and 5.20 per cent per annum in the post-State Re-organisation era. Secondly, the rates of increase of sales tax and luxury tax do not work out in general to be higher for the dry states of Madras and Bombay (Maharashtra and Gujarat put together) than in the other states which are wet or partially wet. Sales tax revenue in the post-State Re-organization period has been increasing in Madras at 4.7 per cent per annum and in Bombay at about 4 per cent per annum. During the same period sales tax revenue in wet areas has been equally, if not more, buoyant, rising at an annual rate of 6.3 per cent in Rajasthan, 4.4 per cent in U.P., 4.9 per cent in Bihar, 4.6 per cent in West Bengal and 9.2 per cent in Jammu & Kashmir. Even in the partially dry areas, sales tax revenue has been rising at rather rapid rates—at 6.1 per cent in Mysore, 7.7 per cent in Kerala, 4.3 per cent in Andhra Pradesh, 8 per cent in Orissa, 7.2 per cent in Assam, 7.7 per cent in Madhya Pradesh and 5.7 per cent in Punjab. The rapid rate of increase of sales tax revenue has thus been found since 1957-58 to be a universal phenomenon and is not peculiar to dry areas. As a matter of fact, rates of increase of sales tax in Madras and Bombay are not by any means among the higher but among the lower rates of all states. The same is true of rates of increase of sales tax in the pre-State Re-organisation period.

Rates of increase of luxury tax no higher in dry States than in wet ones

20. Turning our attention to the receipts from luxury taxes, we again notice the phenomenon that in the post-State Re-organization period, Madras registered an annual rate of increase of 5.6 per cent while Bombay (Gujarat—Maharashtra) of 5.0 per cent per annum. At the same time, the wet areas showed an equally rapid, if not a more rapid, rate of increase, Rajasthan registering a rate as high as 17.6 per cent, U.P. 7.7 per cent, Bihar 8.1 per cent, West Bengal 4.0 per cent and Jammu & Kashmir 6.3 per cent. The partially dry areas also had a high rate of increase with Mysore showing the figure of 6.0 per cent per annum, Andhra Pradesh 5.3 per cent, Orissa 6.4 per cent, Assam 1.6 per cent, Madhya Pradesh 8.1 per cent and Punjab 5.1 per cent. Here again it is not true that the dry areas had any better showing in terms of rates of increase than the wet areas. Nor is it true of the pre-State Reorganization period.

Rates of increase of Central excise revenue not higher in dry States than in wet ones

21. Besides sales and luxury taxes, the Central excise duties constitute a very major source of tax receipts. We have in Table 8 the annual rates of increase of Central excise revenue collected in each State during 1947-48 to 1956-57. While the all-India rate of increase is seen to be 7.66 per cent per annum, the wet and partially dry States appear to be having rates as high as the dry ones. If dry Madras (including Andhra) has a rate of 6.8 per cent, Kerala, Mysore, Madhya Pradesh, U.P. and Bihar have rates at least as high. If dry Bombay registers a rate of increase of 13.5 per cent, Orissa, Punjab and Rajasthan have equally buoyant rates.

TABLE 8

Annual Percentage Rates of Change of Central Excise Revenue

Annual Percentage Rate of Change of Revenue		Remarks
State	1947-48 to 1956-57 (Unless otherwise specified)	
1	2	3
Dry Areas		
1. Madras (+Andhra)	6.84	Includes 11 dry districts of Andhra.
2. Bombay	13.50	
Dry Areas	10.82	
Partially Dry Areas		
3. Mysore	10.54	(1950-51 to 1956-57)
4. Kerala	7.65	(1950-51 to 1956-57)
5. Andhra Pradesh	..	Included in Madras
6. Orissa	12.15	
7. Assam	4.02	
8. Madhya Pradesh	9.80	
9. Punjab	13.85	
10. Uttar Pradesh	7.90	U.P. was partially dry before 1962.
Partially Dry Area	7.54	
Wet Areas		
11. Rajasthan	16.92	(1950-51 to 1956-57)
12. Bihar	7.40	
13. West Bengal	4.18	
14. Jammu & Kashmir	..	Data not available.
Wet Areas	4.32	
15. All India	7.66	(1950-51 to 1956-57)

The equations for the least square regression lines from which the annual percentage rates of change of revenue have been estimated are given below. The equations are of the type

$$\log Y = a + b T$$

where Y is revenue, T is time depicted in years and a and b are constants, b representing the annual percentage rate of change.

State	Years for which the rates have been estimated	Base Year (T=0)	Regression Equation
1	2	3	4
<i>Dry Areas</i>			
1. Madras . . .	1947-48 to 56-57	1951-52	$\log Y = 3.03720 + 0.0684 T$
2. Bombay . . .	1947-48 to 56-57	1951-52	$\log Y = 2.9410 + 0.1350 T$
Dry Area . . .	1947-48 to 56-57	1951-52	$\log Y = 3.1667 + 0.1082 T$
<i>Partially Dry Areas</i>			
3. Mysore . . .	1950-51 to 56-57	1953-54	$\log Y = 2.0285 + 0.1054 T$
4. Kerala . . .	1950-51 to 56-57	1953-54	$\log Y = 2.0303 + 0.0765 T$
5. A. P. . . .	..	..	..
6. Orissa . . .	1947-48 to 56-57	1951-52	$\log Y = 1.6573 + 0.1215 T$
7. Assam . . .	1947-48 to 56-57	1951-52	$\log Y = 2.4275 + 0.0402 T$
8. M. P. . . .	1947-48 to 56-57	1951-52	$\log Y = 2.4889 + 0.0980 T$
9. Punjab . . .	1947-48 to 56-57	1951-52	$\log Y = 1.8315 + 0.1385 T$
10. U. P. . . .	1947-48 to 56-57	1951-52	$\log Y = 3.0133 + 0.0790 T$
Partially Dry Areas	1950-51 to 56-57	1953-54	$\log Y = 3.4386 + 0.0754 T$
11. Rajasthan . . .	1950-51 to 56-57	1953-54	$\log Y = 1.9552 + 0.1692 T$
12. Bihar . . .	1947-48 to 56-57	1951-52	$\log Y = 2.7037 + 0.0740 T$
13. West Bengal . . .	1947-48 to 56-57	1951-52	$\log Y = 3.3065 + 0.0418 T$
14. J. & K. . . .	..	..	..
Wet Areas	1950-51 to 56-57	1953-54	$\log Y = 3.5167 + 0.0432 T$
15. All-India . . .	1950-51 to 56-57	1953-54	$\log Y = 4.0365 + 0.0766 T$

Reasons for the hypothesis not getting substantiated

22. Thus the hypothesis that dry states after losing liquor revenue ought to be collecting revenue from alternative sources at a faster rate than wet States, though basically sound, does not get substantiated from the data. To our mind, more than one good reason exists why it does not.

23. In the first place, an increase in alternative tax revenue in dry areas depends on whether a substantial volume of expenditure is being 'saved' and diverted from drinking. If the diversion is insignificant, there will be no noticeable increase in alternative tax revenue any more than in wet areas. We shall presently examine whether or not the community has in fact diverted its expenditures, in any big measure, away from drinking and in favour of other items of consumption.

24. Secondly, an important factor to be borne in mind is that even when expenses are 'saved' from drinking, one of the first priorities for such 'savings' is diversion towards more or better food. This will be so in a relatively poor country where the income-elasticity of demand for food has been known to be high. Now, food is not an item subject to tax, except in a rare case like Madras. (Even here the taxation on food is hedged with many qualifications). Thus to the extent that there has been diversion of expenditure from drinking to more and better food the result is not seen in taxation statistics. But this is not to deny that the consumption pattern may have changed in favour of more and better food as indeed in favour of some other items which are more conducive to health and efficiency than liquor is.

25. A third reason why the increase in sales and luxury tax revenue is no more noticeable in dry areas than in the wet areas is that the rates of tax on commodities, and services on which liquor expenditure is likely to be diverted, are small. Much of cloth is either tax free or bears a small tax in relation to price. One has really to get into fine and superfine varieties before one pays any noteworthy tax and even then the tax rates per unit of expenditure compare very unfavourably with liquor taxes. Nor are other items of ordinary consumption such as medicine and fuel and housing and entertainment subject to taxes comparable with liquor duties, so that a rupee 'saved' from drink and diverted to other uses brings back into the exchequer only a small fraction of the money lost.

26. Fourthly, it must be borne in mind that tax receipts from any given item are as much the result of the rate of tax as of the base to which this rate is applied. States which decide to forego the revenue from liquor excise may wish to increase the rates of duty on other items and may thus collect more revenue from these items, not because there has been much of a diversion of expenditure to these but because of higher rates. And again, if the rates of tax on some items are raised in some states, it is conceivable that tax receipts may begin to rise less fast and may ultimately even decline because of the disincentive effect of high rates, depending upon the elasticity of tax yield.

27. And, finally, it seems clear that the increase in luxury tax and sales tax revenue is largely a function of the growth of national income and of the general change in tastes and preferences. It is probably, to a very small extent, the result of diversion of expenditure from drinking to other items subject to indirect taxes. Even if there has been such a diversion, the resultant increase in the receipts from luxury and sales taxes are overwhelmed by an increase owing to the general rise in incomes and expenditures in a society which has begun to move on from stagnation to progress. It is this fundamental secular change together with an increase in income that is mainly responsible for the increases in receipts from the taxes in question.

Financial position if all wet areas went dry

28. It is possible to say on the basis of the analysis undertaken so far that in the hypothetical case of prohibition being scrapped, the gains from additional excise revenues and from saving in enforcement expenditures could be expected to be in the neighbourhood of Rs. 46 crores. In the alternative hypothetical event of total prohibition being extended to all states of the country, the loss from excise revenue alone would be of the order of Rs. 56 crores and enforcement expenditures about Rs. 9* crores, making for a total additional loss of Rs. 65 crores.

29. It is the fear of such a loss, at a time when expenditures within and outside the Plan tend to rise rapidly, that leads many governments of wet and partially dry states to oppose any move in the direction of further extension of prohibition. But against such an attitude two propositions can be stated. The first is that financial loss to the governments may be made good by the gains to the community which in turn will make for a higher productivity and, hence, for higher tax receipts in years to come. And if that appears far-fetched, as it might to some, it may well be that reduction in the receipts from excise will be partly made good by increase in the receipts from entertainment taxes and sales tax on items on which liquor expenditure will be diverted, assuming, of course, that there is a reduction in liquor expenditure. Secondly, if a phased programme of prohibition were worked out, the wet areas would not lose their excise revenue immediately, but gradually over many years, and this phasing could be so planned that the rate of growth of other indirect taxes as well as of direct taxes adequately takes care of the planned decline of excise revenue.

30. Suppose that the prospective loss to wet regions of the country, which was seen to be Rs. 65 crores, grows to, say, Rs. 80 crores by 1975-76 when the phased programme of Prohibition envisaged by us and elaborated in Chapter XXXIX is completed. The wet regions will then, on a simple calculation, be involved in a loss of Rs. 80 crores in four stages. Meanwhile, suppose that the sales tax, luxury tax and central excise receipts which have been growing respectively at 5.5 per cent, 5.2 per cent and 7.7 per cent per annum, continue to grow at the same rate. In that case, the 1963-64 total collection of Rs. 453 crores in wet and partially dry areas

* This is the resultant of applying the per head enforcement expenditure in dry and partially dry areas to the population of wet areas.

from these three source will have grown to Rs. 840 crores¹ by 1975-76. This is an increase of Rs. 382 crores, which easily takes in its stride and more than counter-balances the liquor loss of Rs. 80 crores. There is, of course, the possibility that sales tax, luxury tax and central excise taxes may not increase at the envisaged rate. But meanwhile other sources of revenue will arise; changes in tax base, changes in rates of tax and new imposts will emerge; and these will cause an increase in revenue which will more than replace and exceed the liquor excise losses, not to mention the gains in productivity, output and income of the community as distinct from those of the governments.

'Saving' on liquor in dry areas

31. We have already stated the hypothesis that when a state goes dry, while the government loses revenue, the public 'saves' the amount previously spent on drinking and diverts it to other expenditures. Two major qualifications have to be added to this simple statement. The first is that the amount previously spent on liquor is never wholly saved as the preference of the community for drink does not get reduced to zero. Nevertheless, the amount spent gets reduced on two grounds: (i) that some people who are law abiding give up drinking completely while some others, faced by dangers and difficulties, have to purchase their drink in circuitous manners and thus drink less of it than before; (ii) the price of tax-free illicit liquor may, under certain circumstances, be somewhat less than that of licit liquor and this may cause some further saving, of course, at the cost of deterioration of health.

32. Our argument in earlier chapters has shown that quantity drunk in dry areas may turn out to be approximately two-thirds than in wet areas per head of population. This factor, taken together with a slight decrease in the price of illicit purchases, may give certain amount of 'saving' to the community. We must underline the fact that some specific sections of the population such as industrial workers, particularly those who are skilled and semi-skilled, have stood to gain greatly through prohibition and have been using much more fruitfully the money they might otherwise have spent on drinking. But taking the community as a whole, and not merely specific groups, our purpose is to estimate the reduction in the drinking bill consequent upon prohibition.

33. In the chapter on 'The Magnitude of Illicit Distillation and the Drinking Bill', we have already shown that the total drinking bill in all

¹The 1963-64 base revenues of wet and partially dry states from these three sources are as follows:

	<i>Rs. crores</i>
State & Central Sales tax	136.31
Luxury tax	12.05
Central excise tax	309.55 (Projected from data of 1950-51 to 1959-60).
	457.91
Weighted rate of growth of revenue	6.95% p.a.

dry areas of the country may approximately be of the order of Rs. 43 crores at the present time. How much decrease does this represent compared to the wet set-up and how much diversion of expenditure on the part of the public may have occurred? We have calculated earlier in this chapter that, if the dry areas had not gone dry, their total excise revenues at present might have been about Rs. 40·11 crores. Now, as seen in Table 4 in Chapter XXVIII, the tax element in the price of various types of liquors ranges generally between 55 per cent and 75 per cent of price. Taking the average tax-price ratio to be 60:100, it follows that if total excise receipts were Rs. 40 crores the total bill for licit liquor might well have been about Rs. $(40 \times 100 / 60 =)$ 67 crores. As for the illicit bill, since the ratio between the quantities of licit and illicit liquor in wet areas is generally 4:1, and the price of illicit country liquor is about two-fifths of the licit variety, the potential value of illicit sales might have been about Rs. $(2/5 \times 1/4 \times 67 =)$ Rs. 7 crores, making a total licit plus illicit bill of Rs. 74 crores. Compared to this potential bill of Rs. 74 crores, the present estimated bill of Rs. 43 crores represents a reduction of Rs. 31 crores in the value of liquor consumption in the dry areas of today. This obviously is a very substantial gain.

34. We should like to point out that our estimates are based on two important assumptions, both of which, in the light of our experience in different states, we believe to be true: one is that per head quantity of liquor drunk in dry areas taken as a whole has been reduced to two-thirds of the quantity in the wet set-up; the second is that illicit consumption in wet areas accounts for one-fourth of the quantity of licit consumption. If these consumptions are accepted, our conclusions follow, since our other assumptions are based on fairly reliable factual data about excise revenue, tax-price ratio and relative prices of licit and illicit country liquors.

Net gain and loss

35. While the drinking bill of Rs. 43 crores in dry areas compared to a potential consumption of Rs. 74 crores is a major gain, it is obvious, that the gain of Rs. 31 crores has been achieved at the cost of Rs. 46 crores to the exchequer. This is not, of course, as we took care to point out in the very beginning of this chapter, a complete calculus of losses and gains. The net loss of Rs. 15 crores to the community as a whole may well have been balanced by a gain to the community in such intangibles as nutrition, health, education, dexterity, technical skill, etc. On the other hand, the much greater prevalence of illicit distillation and allied evils, and the accompanying decline in health and efficiency might have reduced or neutralized the intangible gains.

36. The broad moral of the calculations in this chapter is that if the phenomenal losses for revenue and enforcement expenditure are to be justified, it can only be if the per head quantity of liquor consumption can be assumed to have decreased by more than half of the original figure. It is true that in important groups of the population, such as the industrial workers in many centres, a reduction of this order has occurred; but this cannot be said at present to be the case in the generality of circumstances in dry areas. The need for a more thoughtful and integrated policy to reduce the popular preference for liquor on the one hand, and to conduct an onslaught on illicit distillation on the other, obviously emerges for this economic calculus of losses and gains.

APPENDIX TO

TABLE

State Excise Revenue* from Liquors for Different

State	1947-48	1948-49	1949-50	1950-51	1951-52	1952-53	1953-54
I	2	3	4	5	6	7	8
DRY AREAS							
1. Madras (c)	937.02	304.72	6.59	5.52	11.99	4.46	6.60
2. Gujarat	..	..	..	..	..	..	..
3. Maharashtra (c)	..	..	..	..	..	..	..
4. Bombay (c)	796.27	585.17	370.19	75.78	59.60	57.99	56.45
TOTAL	1733.29	889.89	376.78	81.30	71.59	62.45	63.05
PARTIALLY DRY AREAS							
5. Mysore (f)	..	..	..	..	185.31	164.31	148.24
6. Kerala	..	..	..	..	194.10	220.80	201.60
7. Andhra Pradesh	..	..	..	..	..	..	..
8. Orissa	37.62	43.27	65.42	81.13	82.62	75.91	68.90
9. Assam	66.37	78.88	80.53	88.84	117.19	115.84	120.05
10. Madhya Pradesh (g)	126.33	134.72	135.11	167.48	182.85	179.35	162.61
11. Punjab (h)	62.98	133.96	139.50	130.55	151.60	148.85	140.90
TOTAL	..	..	..	..	913.67	905.06	842.34
WET AREAS							
12. Rajasthan	..	..	..	..	190.48	144.66	154.11
13. Uttar Pradesh	481.29	453.68	462.12	468.01	461.31	409.80	395.84
14. Bihar	387.03	408.24	427.82	456.87	467.25	413.81	387.00
15. West Bengal	218.14	433.79	469.09	465.59	518.12	425.35	390.39
16. Jammu & Kashmir	..	..	..	..	7.25	7.05(i)	6.85
TOTAL	..	..	..	..	1644.41	1400.68	1334.19

Source : (i) Combined Finance and Revenue Accounts of the Central and State
(ii) State Budget Reports 1960-61 to 1963-64.

*State Excise Revenue on liquors comprises of the following items :—

(i) Country spirits.

(ii) Country fermented liquors.

(iii) Wines and spirits (foreign liquors other than medicated wines and

(iv) Receipts from distilleries.

R.E. = Revised Estimates.

B.E. = Budget Estimates.

(a) Represents transactions for the period 15th August 1947 to 31st March 1948.

(b) This figure was not available. It has, therefore, been taken as the average of the

(c) The figures of Madras State from 1953-54 onwards exclude Andhra.

(d) The object of this Table is not only to present figures of State excise revenues from percentage rate of growth of excise revenue separately for the periods 1947-48 to 1956-57. Apart from Maharashtra, Gujarat and Madras which went dry in 1947-48, in some other dry either wholly or partly. The procedure in this Table has been to estimate what would have been made on the basis of percentage growth rates of excise revenue of the previous years shown in brackets.

(e) Maharashtra and Gujarat are treated as one State for the period 1960-61 to 1963-64.

(f) Figures for 1951-52 to 1955-56 relate to pre-State Reorganization Mysore which

(g) Figures of the years 1947-48 to 1956-57 relate to Pre-State Reorganization Madhya

(h) Figures for the years 1947-48 to 1955-56 relate to Pre-State Reorganization Punjab

(i) The figures for the years 1951-52 to 1955-56 Pre-State Reorganization Rajasthan

(j) Figure for 1952-53 was not available. It has, therefore, been taken as the average,

CHAPTER XXIX

A

States from 1947-48 to 1963-64

(In lakhs of Rupees)

1954-55	1955-56	1956-57	1957-58	1958-59	1959-60	1960-61	1961-62	1962-63 R.E.	1963-64 B.E.
9	10	11	12	13	14	15	16	17	18
5.72	5.96	6.56	8.47	8.32	8.85	8.32	11.06	8.82	8.82
..	..	..	..	..	..	3.18	3.31	2.72	2.72
..	..	..	..	..	..	34.45	36.80	34.42	37.45
38.09	34.27	87.97	106.34	67.62	38.96	..	..	..	..
43.81	40.23	94.50	114.81	75.94	47.81	45.95	51.17	45.96	48.97
148.69	149.83	191.31	248.33	271.80	295.31	289.49	261.70	256.04	259.13
191.62	170.42	213.39	196.63	203.90	225.81	246.88	311.93	344.04	355.05
..	..	257.67	578.78	557.96	649.53	722.49	744.64	854.46	904.27
67.16	64.30	42.36 (67.28)	53.89	65.48	74.25	97.64	129.82	147.81	149.04
162.81	194.77	175.08	180.22	174.13	185.46	184.73 (185.15)	196.22 (187.85)	172.98 (190.65)	190.71
152.14	161.93	225.48	347.39	376.63	393.70	417.75	448.74	503.01	529.59
160.39	142.01	294.32	422.42	487.51	506.35	513.26	533.84	561.37	547.03
882.81	883.26	1329.61	2027.66	2137.41	2330.41	2472.24	2626.89	2839.71	2934.82
163.17	165.08	219.23	285.50	318.82	366.14	384.08	407.98	464.87	491.89
379.05	393.64	403.23	435.54	452.88	534.06	621.02	697.08	696.58	886.23
389.45	393.02	406.39	411.63	428.97	491.38	537.78	582.16	579.32	579.32
389.10	403.93	417.08	441.89	466.15	513.38	541.06	588.64	630.85	620.85
14.01	20.44	23.98	25.94	28.30	31.81	42.31 ^a	52.81	57.50	59.00
1334.78	1376.11	1469.91	1600.50	1695.12	1936.77	2126.25	2328.67	2429.12	2637.29

Governments in India. Years 1947-48 to 1959-60.

commercial spirits).

preceding (1959-60) and succeeding (1961-62) years.

liquors for the period 1957-58 to 1963-64 but also to estimate trend lines showing annual (i.e., pre-State Reorganization) and for 1957-58 to 1963-64 (i.e., post-State Reorganization) States there have been cases during these two periods of one or a few districts being made have been the State excise revenue if these districts did not go dry. Such estimates have in the State as a whole. These estimated figures wherever such estimates are made have

excludes Coorg.

Pradesh which exclude Madhya Bharat, Vindhya Bharat and Bhopal.

which excludes PEPSU.

which excludes Ajmer.

of the figures for the preceding year (1951-52) and the succeeding year (1953-54)

APPENDIX TO

TABLE

Sales Tax Revenue**

State	1947-48	1948-49	1949-50	1950-51	1951-52	1952-53	1953-54
I	2	3	4	5	6	7	8
DRY AREAS							
1. Madras . . .	883.85	1352.34	1594.32	1674.77	1688.10	1493.04	1180.68
2. Gujarat c . . .	..	..	..	..	..	..	..
3. Maharashtra c . . .	..	..	..	..	..	..	..
4. Bombay c . . .	489.21	684.20	1324.88	1523.94	1272.46	1240.55	1666.42
TOTAL . . .	1373.06	2036.54	2919.20	3198.71	2960.56	2733.59	2847.10
PARTIALLY DRY AREAS							
5. Mysore d . . .	..	..	..	141.10	160.32	148.99	158.86
6. Kerala . . .	..	..	..	258.83	244.44	226.26	235.96
7. Andhra Pradesh . . .	..	..	..	..	..	..	137.37
8. Orissa . . .	5.62	29.85	61.83	79.96	111.69	129.18	129.18
9. Assam . . .	0.02	24.23	48.92	55.10	76.54	82.50	80.52
10. Madhya Pradesh f . . .	62.48	143.41	192.46	237.95	237.87	220.71	215.84
11. Punjab . . .	22.34 ^g	34.32	148.95	193.53	189.93	193.12	238.70
TOTAL . . .							
WET AREAS							
12. Rajasthan b . . .	..	..	..	..	..	..	..
13. Uttar Pradesh . . .	..	426.64	632.81	521.22	502.81	462.71	511.57
14. Bihar . . .	106.66	233.65	257.53	440.68	422.25	416.02	386.26
15. West Bengal . . .	265.41 ^a	513.25	553.31	614.34	670.54	628.28	651.73
16. Jammu & Kashmir . . .	..	..	..	..	4.74	5.08 ⁱ	5.42
TOTAL . . .							

Source: (i) Combined finance and Revenue Accounts of the Central and State Governments.
(ii) State Budget Reports 1960-61 to 1963-64.

*Includes Central as well as State sales tax.
R.E.—Revised Estimates.

B.E.—Budget Estimates.

(a) Represents transactions for the period 15th August 1947 to 31st March 1948.

(c) Maharashtra and Gujarat are treated as one State for the period 1960-61 to 1963-64.

(d) Figures for 1951-52 to 1955-56 relate to Pre-Reorganisation Mysore which

(e) Figures for the years 1947-48 to 1955-56 represent Pre-Reorganization, Madhya Pradesh

(f) The figures for the years 1948-49 to 1955-56 represent Pre-Reorganization Punjab

(g) The figures for the years 1951-52 to 1955-56 represent Pre-Reorganisation Rajasthan

(h) The figures for 1953-54 was not available, it has therefore been taken as the average

CHAPTER XXIX

B

from 1947-48 to 1963-64

(In lakhs of Rupees)

1954-55	1955-56	1956-57	1957-58	1958-59	1959-60	1960-61	1961-62	1962-63	1963-64
								R.E.	B.E.
9	10	11	12	13	14	15	16	17	18
981.87	1092.80	1224.64	1382.20	1476.11	1674.53	1911.53	2125.61	2369.15	2576.41
..	..	..	..	..	..	1053.26	1382.41	1487.37	1500.20
..	..	..	..	..	..	3215.41	3502.86	3857.76	4023.37
2261.29	2417.18	2914.24	3441.06	3486.13	3639.76	4268.67	4885.27	5345.13	5523.37
3243.16	3510.08	4138.88	4823.26	4962.24	5314.29	6180.20	7010.88	7714.28	8099.78
176.79	200.60	285.49	496.68	705.99	718.56	812.65	945.29	1127.62	1225.97
237.78	236.40	327.93	491.82	616.70	743.90	902.09	1056.30	1200.00	1477.00
280.96	321.29	652.12	893.40	920.70	1165.85	1282.06	1480.64	1490.40	1514.09
151.49	148.98	153.20	199.36	213.29	241.90	314.16	402.10	459.13	566.62
93.70	120.19	146.37	185.90	203.13	156.50	281.72	345.11	395.15	425.81
269.54	273.28	298.92	502.48	..	604.91	719.92	806.38	1053.00	1357.00
275.03	285.42	399.07	502.59	547.06	668.07	746.40	890.65	920.43	1088.97
..	..	..	3272.23	3644.38	4398.69	5059.00	5926.47	6645.73	7655.37
8.77	146.41	239.12	322.26	296.54	308.73	369.99	462.43	594.00	680.00
569.74	594.90	919.77	999.08	826.77	990.43	1169.89	1301.72	1475.00	1607.50
384.46	382.09	440.25	546.40	849.02	924.53	1054.37	1134.34	1136.15	1211.02
757.90	904.32	1094.72	1253.74	1665.06	1711.48	1973.12	2145.06	2380.26	2442.26
7.05	8.11	8.32	9.92	15.20	15.76	21.61	27.77	33.10	35.10
..	..	..	3131.40	3652.59	3950.93	4588.98	5071.32	5618.31	5975.88

ments in India years 1947-48 to 1959-60.

excludes Coorg.

Pradesh which excludes Madhya Bharat, Vindhya Bharat and Jharkhand.

which excludes PEPSU.

than which excludes Ajmer.

of 1951-52 and 1953-54 figures.

APPENDIX TO
TABLE

*Luxury Tax Revenue of different

	1947-48	1948-49	1949-50	1950-51	1951-52	1952-53	1953-54
States							
I	2	3	4	5	6	7	8
DRY AREAS							
1. Madras . . .	109.34	131.67	142.04	146.79	157.55	137.11	95.91
2. Gujarat c . .	..	..	..	..	..	..	..
3. Maharashtra c . .	..	..	..	..	..	..	..
4. Bombay c . .	205.76	292.89	311.98	273.97	329.21	234.29	260.78
TOTAL	315.10	424.56	454.02	420.76	486.76	371.40	356.69
PARTIALLY DRY AREAS							
5. Mysore d . . .	..	..	..	..	25.55	23.11	22.83
6. Kerala . . .	..	..	..	..	Nil	Nil	Nil
7. Andhra Pradesh . .	..	..	..	..	..	..	18.09
8. Orissa . . .	1.24	1.73	3.69	5.51	5.69	5.59	6.09
9. Assam . . .	2.93	4.30	5.73	11.02	14.42	13.89	13.42
10. Madhya Pradesh f	22.61	27.36	28.80	29.32	34.59	31.75	28.99
11. Punjab . . .	2.37a	11.89	15.79	16.81	20.18	19.37	18.94
TOTAL							
WET AREAS							
12. Rajasthan # . . .	..	..	..	..	0.97	0.16	0.14
13. Uttar Pradesh . .	49.28	72.15	79.03	89.35	93.96	82.98	76.20
14. Bihar . . .	12.12	22.60	33.92	35.88	36.26	35.36	34.33
15. West Bengal . .	104.96a	156.99	183.66	166.27	166.01	167.00	161.61
16. Jammu & Kashmir . .	..	..	..	..	0.95	1.13i	1.31
TOTAL							

*Luxury Tax comprises of following items :

1. Entertainment Tax.
 2. Betting Tax—(a) Bookmaker, (b) Totalisator.
 3. Luxury Tax.
- R.E.—Revised Estimates.
B.E.—Budget Estimates.

Source : (i) Combined finance and Revenue Accounts of the Central and State Governments in India years 1947-48 to 1959-60.
(ii) State Budget Reports 1960-61 to 1963-64.

CHAPTER XXIX

States from 1947-48 to 1963-64
(In lakhs of Rupees)

1954-55	1955-56	1956-57	1957-58	1958-59	1959-60	1960-61	1961-62	1962-63 R.E.	1963-64 B.E.
9	10	11	12	13	14	15	16	17	18
90.59	107.45	123.27	143.85	194.03	206.20	225.76	257.25	305.78	326.75
..	..	..	..	..	..	64.17	96.56	100.00	100.00
..	..	..	..	..	..	313.85	344.83	422.14	457.10
243.16	262.80	280.26	288.19	315.51	356.36	378.02	441.39	522.14	557.10
333.75	370.25	403.53	432.04	509.54	562.56	603.78	698.64	827.92	883.85
16.44	27.98	37.02	53.83	61.22	78.73	86.67	101.17	108.04	122.07
Nil	Nil	2.43	7.53	6.98	7.46	9.97	12.12	4.00	..
38.38	47.40	59.65	63.94	93.82	90.75	130.92	119.04	140.57	140.57
8.85	6.47	8.05	8.36	10.07	11.98	14.17	14.82	18.01	21.01
14.48	18.50	20.78	22.75	27.30	26.74	28.19	30.60	29.44	29.33
26.95	30.99	33.41	34.40	48.61	52.25	64.53	82.16	97.10	105.10
23.37	28.09	37.51	46.45	53.00	59.36	63.38	85.39	99.50	86.60
			237.26	301.00	327.27	397.73	445.29	486.66	504.68
0.28	0.07	0.93	1.80	18.20	19.00	25.05	32.49	2.50	49.00
80.54	89.34	97.89	120.34	139.30	145.51	159.86	173.51	198.50	216.95
34.76	38.52	43.45	43.25	37.73	51.76	69.85	110.61	100.00	100.00
162.57	181.08	189.63	196.62	209.08	228.85	232.58	271.85	324.85	324.8
1.32	2.01	2.42	3.75	5.59	4.39	12.09	7.92	8.57	9.00
			365.76	409.90	449.51	499.43	596.38	674.42	699.80

- (a) Represents transactions for the period 15th August 1947 to 31st March, 1948.
 (c) Maharashtra and Gujarat are treated as one State for the period 1960-61 to 1963-64.
 (d) Figures for 1951-52 to 1955-56 relate to pre-Reorganization Mysore which excludes Coorg.
 (f) Figures for the years 1947-48 to 1955-56 relate to Pre-Reorganization Madhya Pradesh which excludes Madhya Bharat, Vindhya Bharat and Bhopal.
 (g) The figures for the year 1948-49 to 1955-56 relate to Pre-Reorganization Punjab which excludes PEPSU.
 (h) The figures for the years 1951-52 to 1955-56 relate to Pre-Reorganization, Rajasthan which excludes Ajmer.
 (i) The figures for 1952-53 were not available, it has therefore been taken as the average of 1951-52 and 1953-54.

APPENDIX TO
TABLE
*Union Excise Revenue**

State	1947-48	1948-49	1949-50	1950-51	1951-52
I	2	3	4	5	6
1. Madras . . .	400·19	848·26	905·70	943·28	1191·24
2. Bombay . . .	263·69	644·72	2061·38	1410·41	2285·49
SUB-TOTAL . . .	663·81	1492·98	2967·08	2353·69	3476·73
3. Mysore . . .	N.A.	N.A.	N.A.	60·48	79·53
4. Keraia . . .	N.A.	N.A.	N.A.	100·87	73·41
5. Andhra Pradesh . . .	..	..		..	..
6. Orissa . . .	13·16	26·14	24·99	29·30	36·65
7. Assam . . .	124·65	234·10	264·80	312·89	287·40
8. Madhya Pradesh . . .	84·53	178·95	200·79	312·34	341·27
9. Punjab . . .	12·45	36·65	54·93	38·48	48·88
10. Uttar Pradesh . . .	328·04	798·24	910·25	760·67	1008·25
SUB-TOTAL . . .				1615·03	1875·39
11. Rajasthan . . .	N.A.	N.A.	N.A.	18·08	29·76
12. Bihar . . .	153·75	373·38	448·86	458·49	487·14
13. West Bengal . . .	1011·49	1880·79	1854·27	1960·48	2322·57
SUB-TOTAL . . .				2437·05	2839·47
TOTAL . . .				6405·77	8191·59

* Union Excise Revenue consists of

(a) Net collection by Central Government.

(b) Share assigned to States

CHAPTER—XXIX

D

(1947-48 to 1959-60)

(In lakhs of Rupees)

1952-53	1953-54	1954-55	1955-56	1956-57	1957-58	1958-59	1959-60
7	8	9	10	11	12	13	14
1472·72	1274·22	1260·75	1431·56	1512·72	2173·62	2930·22	2579·29
2208·19	2742·63	3891·22	5763·64	8101·41	10776·83	12629·77	11858·36
3680·91	4016·85	5160·97	7195·20	9614·13	12950·45	15559·99	14437·65
83·51	74·38	96·35	152·95	359·58	901·33	1173·70	1233·00
56·02	90·01	127·90	118·88	287·13	713·60	954·41	860·15
..	142·80	310·49	393·65	935·51	1822·25	2294·86	2239·89
109·98	107·97	104·96	127·12	131·64	237·66	363·56	453·85
303·64	322·77	323·85	202·00	671·33	745·39	890·27	846·39
456·51	500·90	500·90	592·46	1084·15	1293·29	1531·63	1485·30
128·64	136·65	161·11	229·49	335·02	647·46	962·93	928·36
1420·42	1778·65	1431·40	2050·83	2491·04	4160·66	5399·11	5128·25
2558·72	3154·13	3056·93	3867·28	6215·40	10521·61	13570·47	13975·19
126·30	135·37	153·53	172·41	199·31	406·04	560·62	646·37
752·35	866·46	693·25	974·25	1007·36	2059·30	2597·94	3005·11
2211·17	2113·25	2405·16	2917·16	3566·73	5052·03	5883·24	6315·03
3089·82	3115·08	3251·94	4063·82	4773·40	7517·37	8041·80	9966·51
9320·45	10286·06	11469·87	15126·30	20602·93	30989·43	38172·26	37479·35

Source : Combined Finance and Revenue
Accounts of the Central and State
Governments of India, 1947-48 to
1959-60.

TABLE E

Rates of change of State Excise Duty and Sales Tax between 1961-f2 and 1962-63

(In lakhs of Rupees)

State	1961-62			1962-63			Rate of Change		
	State Excise	Sales Tax	Total	State Excise	Sales Tax	Total	(8) as percent of (4)		
							Change	(7)-(4)	
									(2)+(3)
I	2	3	4	5	6	7	8	9	
Madras	.	11.06	2,125.61	2,136.67	8.82	2,369.15	2,377.97	241.30	11.3
Gujarat	.	3.31	1,382.41	1,385.72	2.72	1,487.37	1,490.09	104.37	7.5
Maharashtra	.	36.80	3,502.86	3,539.66	34.42	3,857.76	3,892.18	352.52	10.0
SUB-TOTAL	.	51.17	7,010.88	7,062.05	45.96	7,714.28	7,760.24	698.19	9.9
Mysore	.	261.70	945.29	1,206.99	256.04	1,127.62	1,383.66	176.67	14.6
Kerala	.	311.93	1,056.30	1,368.23	344.04	1,200.00	1,544.04	175.81	12.9
Andhra Pradesh	.	744.64	1,480.64	2,225.28	854.46	1,490.40	2,534.86	119.58	5.4
Orissa	.	129.82	402.10	531.92	147.81	459.13	606.94	75.02	14.1
Assam	.	196.22	345.11	541.33	172.98	395.15	568.13	26.80	5.0
Madhya Pradesh	.	448.74	806.38	1,255.12	503.01	1,053.00	1,556.01	300.89	24.0
Punjab	.	533.84	890.65	1,424.49	561.37	920.43	1,481.80	57.31	4.0
SUB-TOTAL	.	2,626.89	5,926.47	8,553.36	2,839.71	6,645.73	9,485.44	32.08	10.9

Rajasthan	.	.	.	.	407.98	462.43	870.41	464.87	594.00	1,058.87	188.46	
Uttar Pradesh	.	.	.	.	697.08	1,301.72	1,988.80	696.58	1,475.00	[2,171.58	172.78	8.6
Bihar	.	.	.	.	582.16	1,134.34	1,716.50	579.32	1,136.15	1,715.47	—1.03	—0.1
West Bengal	.	.	.	.	588.64	2,145.06	2,733.70	630.05	2,380.26	3,010.31	276.61	10.1
Jammu & Kashmir	.	.	.	.	52.81	27.77	80.58	57.50	33.10	90.60	10.02	12.4
SUB TOTAL	.	.	.	.	2,328.67	5,071.32	7,389.99	2,428.32	5,618.51	8,046.83	646.84	8.7
TOTAL	.	.	.	.	5,006.73	18,008.67	23,015.40	5,313.99	19,978.52	25,292.51	2,277.11	9.9





सत्यमेव जयते

SECTION SIX

IMPLEMENTATION OF
PROHIBITION POLICY



सत्यमेव जयते



CHAPTER XXX

THE NATURE OF REMEDIES

Integrated solution to the problem of liquor based on two fundamentals

The integrated solution to the problem which we now propose to spell out in detail in the following chapters is based upon a broad strategy which consists of two fundamentals. The first is that the major gains to society achieved through prohibition ought not to be thrown away but consolidated and crystallised. The second is that the problems arising both in dry and wet areas ought not to be evaded but faced boldly and realistically and a policy devised to fight these problems on all fronts and we, therefore, suggest a multi-pronged attack.

Demand and high profits lead to illicit activity

2. We have observed in an earlier chapter that after prohibition is enforced, the preference and tastes of consumers of liquors are not immediately altered but only held in abeyance. The latent demand for drink remains at a fairly high level as only a small proportion of the community which is entirely law-abiding, gives up the drinking habit completely. The pent-up demand of the remaining part of the drinking community seeks liquor wherever it can be had. The failure to reduce demand considerably, at the same time as licit supplies are curbed increases the black-market profit phenomenally. We have seen how, despite some reduction in the total demand for liquor illicit distillation is at least three to four times more in dry than in wet areas.

Integrated measures will ensure success

3. We are of opinion that no system of law can effectively combat an illicit trade so long as such conditions exist under which the profit margin ranges from 200 per cent to 1000 per cent. Law enforcement will be more potent where the profit margins are reduced considerably. This is not an easy task and no single measure can provide a complete solution. The onslaught of the illicit distillers and smugglers can be more successfully resisted through an integrated set of legal, administrative, educational, publicity and economic measures aimed at containing and eliminating illicit distillers and other law-breakers and slashing their profit margins. For this purpose, laws have to be suitably amended, their enforcement improved, and the administrative machinery geared up. If an all-out effort is made on an integrated basis, those engaged in illegal and anti-social activities will not be able to hold their ground for long.

4. We are, therefore, commending for consideration, among others, the following seven suggestions:

(i) The legal solution

Chapter XXXII

(ii) The containment of medicinal and toilet preparations

Chapter XXI

(iii) The control of molasses and other raw materials	Chapters XXII and XXIII
(iv) Mass education and systematic publicity	Chapters XXXV and XXXVI
(v) Effective enforcement through improved administration	Chapter XXXVII
(vi) The economic containment of illicit distillation	Chapter XLII
(vii) The use of modern scientific appliances for detection of inebriety	Chapter XII



CHAPTER XXXI

PROBLEMS OF LAW ENFORCEMENT

Social Legislation

Successful enforcement of law which is in the nature of a social legislation depends on several factors. One main hurdle in the way of effective enforcement of any such law pivots upon imperfections in the human being themselves, whether as Legislators or as persons called upon to obey the law, or to enforce obedience to the law or, to operate the complicated legal machinery. It is not entirely correct to say that a particular law of every law represents the will of the people. If that were so, enactment of law would be rendered superfluous, for, a matter on which there is unanimity, statutory enactment becomes redundant. In the case of a social legislation there always are conflicting points of view and there also are strong forces interested in contravention or evasion.

In the field of religion, morality and economics, enforcement of laws has not always been easy. A religious minority can successfully defy and defeat the law imposed by a religious majority. More notorious case of failure of law is in the realm of personal morals. The laws, when they no longer represent the consensus of support, cease to be effective. A law which is not fortified with the moral sanction of the community is prone to be contravened. In the case of social legislation where the evils which the law seeks to eradicate are commonly shared by the agents of the Government engaged in enforcing it, and also by the people against whom enforcement is intended, it rarely is a success.

Desire for things forbidden

2. There is also a peculiar human trait, probably born of inquisitiveness, to desire things forbidden. In the words of Spinoza, the 17th century Dutch philosopher:

“for all laws that can be violated without doing anyone an injury are laughed at. Nay, so far are they from doing anything to control the desires and passions of men, that, on the contrary, they direct and incite men’s thoughts the more towards those very objects; for we always strive for what is forbidden, and desire the things we are not allowed to have. And men of leisure are never deficient in the ingenuity needed to enable them to outwit laws framed to regulate things which cannot be entirely forbidden.”

(Tractatus Politicus 10. 4—6)

Dependent on Human Agency

3. Another human factor which places limitation on effective enforcement is that laws never operate by themselves and that the calibre, character and attitude of the human agency is an important factor in their

successful operation. Legal machinery does not operate automatically regardless of human agency, e.g. judges, juries, police officials, witnesses, etc. their intelligence and integrity has a direct impact on the successful enforcement of law. Legislators and law courts cannot secure obedience to the laws particularly when the forces of disobedience or evasion are strongly entrenched. The attitude of those from whom obedience is demanded, and of those who demand obedience, reflects a good deal on the successful consummation of the legislative intent. The successful obedience to a social enactment depends upon the attitude of the people to be affected by the laws, the extent to which the laws run counter to their predilections, practices or even prejudices, the efficiency and honesty of persons charged with the execution of such laws and the difficulties experienced in bringing the violators to justice. In the case of certain laws, the difficulties have become insurmountable so as to make them nugatory and obsolete.

Ineffective Enforcement Breeds Disrespect for Laws

4. Distinguished jurists have expressed the view with which it is difficult to disagree, that a law which is not being usually and uniformly enforced has the pernicious effect of bringing all laws into disrepute. Faithful and sporadic efforts to execute such laws make their operation unjust. As persons are being exposed to penalties during the brief period of spasmodic enthusiasm on the part of the enforcement agents, it occasionally leads to revengeful discrimination. Ineffective laws are no doubt a serious danger to the body politic, as they are toothless, and breed disrespect for laws in general.

Chief Justice Taft

5. William H. Taft, Chief Justice, in his address on "The Legislature and the Execution of Laws" said in 1906:

"When a law is proposed to be enforced in a community a great majority of whom are opposed to its enactment and will be opposed to its enforcement, and when the officers, whose duty it will become to execute the law, are to be elected by that community, the Legislature should hesitate before it adopts it. Of course where a majority of the community is engaged in business or conduct which may be described as *malum in se*—something which is immoral and aimed at the destruction of society, there is no course open to the Legislature but to denounce the business or conduct by criminal laws and provide for their effective enforcement whatever the obstructing difficulties. I am far from saying that no laws ought to be adopted which will not adapt themselves, or which will not be violated because nobody has a motive or desire to violate them; but the point I wish to suggest is that legislators in adopting a law do not generally give sufficient consideration to the practical questions whether under all the conditions, it is likely to be enforced. In some cases such considerations ought not to prevent the enactment of a law on the general subject, but may properly lead to such a re-framing of its provisions so as to provide a method of its enforcement which will make less probable its becoming a dead-letter."

6. Sometimes the protagonists of a particular social legislation, *e.g.* prohibition, argue, that the State cannot make laws which are in the nature of "a covenant with hell or a league with the devil."

In the words of Chief Justice Taft :

"Such an argument appeals more to excellent highminded but impractical idealists than to practical statesmen charged with carrying on a Government and dealing with actual conditions, there is a decided difference between licensing prostitution or gambling which cannot be at all justified, on the one hand, and prohibiting everyone in a community from selling or taking a drink of beer or wine or whisky on the other. It is not the duty of the legislator in law to formulate an ideal system of morality and pass criminal statutes to punish those who do not live upto that high ideal. . . . The theory that by legislation, the State can successfully command people to be righteous in the higher sense is at the bottom of much unsuccessful and obsolete legislation that stands as a monument to the obstacle that hearts overflowing with enthusiastic love for their race but without practical judgement have offered to real progress. The making and operation of laws are not proper subjects for the consideration and action of a tyro, however high his aim or pure his motive. Successfully to understand the science of practical lawmaking requires close observation of the nature, customs and traditions of the people to be affected by the laws, the degree of efficiency of the persons to be charged with their execution, the method by which such executives are to be selected, the difficulties with which those violating the laws may be brought to justice, and many other circumstances bearing directly on the question whether the law enacted is to be thrown into the scrap-heap of nagatory and defunct Acts of the Legislature, or is to become a living force and instrumentality for the betterment of the people of the State. . . . Before this audience of lawyers I need hardly dwell on the pernicious effect of the enactment of law which is not to be constantly and uniformly enforced. It brings all laws into disrepute. It leads to fitful and sporadic efforts to execute it which, of course, make it operate unjustly because it is made to affect only the few exposed to its penalties during the spasm of virtue on the part of the executive. It offers to an unprincipled executive an opportunity to wreak vengeance on his enemies, or to blackmail the unfortunate. It makes those who violate it and escape its penalties indifferent to the observance of other laws which, but for the sense of immunity thus engendered, they would not be tempted to transgress. Ineffective laws are a serious danger to the body politic and social. . . ."

Exacting Standards Defeat effectiveness

7. The legislator in facing the difficulties of enforcement has to make a difficult choice. The legislator is called upon to determine in advance what measure of conduct can be made effective by governmental action and what criterion, on the other hand, men will refuse to conform to in spite of the threat of penalties.

Effective Norms for Enforcement

8. It is often said that no legal standard will or can be effective which is in advance of the general and customary habits and practices of the community or against its deep-seated prejudices and convictions; in other words, law cannot be in advance of settled usage. It is often said that where law lays down strict norms, conformity may present an insuperable impediment. This is an over-simplification. In a complex modern society, there are numerous starts of individuals widely differing in training, intelligence and occupation. There is also a wide variety of views and opinions as to what is just and fair in the circumstances. It cannot be said with any definitiveness, that out of this variety and diversity of views and reactions, what is the outside limit, beyond which law may not advance. Usage is fluid and changing. Even standards of what in the opinion of a community is fair and just is not constant. The particular practice advocated by the law may only be confined to the minority. Ordinarily, numerical majority lags far behind the soundest and best considered practice. A law could not promote improvement if it always were to follow the dictate of numbers. Very often, there is a determined and powerful minority insisting on the legal enforcement of a new standard and in such a case, the enforcement can often be made successful even in the face of some determined resistance by the majority. A resolute minority can always prevail against an apathetic and lukewarm majority. In other words, the possibility of the successful enforcement of a law depends on the comparative strength of the forces supporting or opposing the particular law at the time. These are often the forces not of mere numbers but of economic power, social position, and above all, shifting forces of ideas and opinions. Professions and beliefs in such matters are rarely static; they keep on changing. What was fanatically propounded yesterday may only be lukewarmly supported today and bitterly opposed tomorrow, depending upon the strength of conviction or adroitness of manipulation. It does not take long for a vociferous resistant assemblage to be converted into an acquiescent multitude or *au contraire*. The influence of these forces frequently makes possible in the course of time the effective enforcement of law which was at variance with majority practice when it was adopted and it is this possibility which often enables law to be an instrument of social improvement and progress.

Effectiveness of Law is a question of degree

9. Wishful thinking often leads itself to a conclusion that a law which is disliked and which arouses loud opposition or even resistance, is deserving of abrogation. To contend that a measure of non-enforceability is a proof positive of its unenforceability or a valid ground for its abolition is to fall a prey to delusive reasoning and credulous make-believe. Even laws which evoke no controversy, which command universal acceptance, do not permit of hundred per cent obedience. If there were such perfect conformity in a society, the law would be entirely redundant. The enactment of a law prescribing a particular standard indicates, that there are individuals whose conduct does not conform to that standard and, who can be expected to employ all means in their power, to evade conforming to the law. Such efforts are bound in many instances to be successful as long as law has to be administered by fallible persons or under circumstances not within one's control. The question of the effectiveness of a law, is therefore, always one of degree. It depends upon

a balance between the skill of the enforcement agency and the social and economic forces supporting the law on the one hand, as compared with the strength of the forces opposing the law, on the other. Sometimes this balance is so much in favour of the latter that there is a comparatively low degree of enforcement. The very necessity of enacting a punitive law implies the existence of elements in a society who question its efficacy and are willing to challenge its authority. The comparative success or failure of a particular law depends upon the extent to which the law supporting and the law defeating forces can offset each other and disturb the equilibrium. Where this is the case today, it is not necessarily true that it will also be the case next day. Propaganda, education, changes in the men's interest may lead in time to the fairly complete enforcement of a statute which at the outset met with much successful resistance.

Partially Enforced Law

10. Even a partially enforced law is productive of better results than what would have been the case in the absence of the law. But, on the other hand, it may be productive of new evils. Whether the good out-balances the evil is always a question which has to be answered in each particular case, at the particular time of enforcement, depending on the nature of the forces operating for and against the law in the particular community at a stated period.

When is Legislation useless

11. Sometimes it is assumed that a particular legislation is doomed because there is so much resistance to it that it is going to be difficult of enforcement and that it is bound to produce more evil than good. It is no doubt true that legislation which undertakes to regulate unsocial practices that can be indulged in by any one and everyone, like gambling or drinking, is more difficult to enforce than legislation affecting the conduct of a small community. Experience indicates that such a legislation is not always futile. In the last analysis, the effectiveness of law depends not so much on the nature of the subject-matter dealt with, as on the particular forces of support or opposition with which the enforcement of the law has to contend. All that can be said is that legislation is useless if no honest and sincere attempt is made to enforce it.

Distinction between Legislative and Judicial Outlook

12. There is an essential distinction between the outlook of a legislator and of a judge; the former rivets his attention to the removal of a specific abuse, while the judge looks upon a particular statute in the background of the entire legal system. This explains the difference of approach. Those who are called upon to execute the prohibition laws have uniformly felt resentful and even frustrated at the attitude of the courts in certain matters, as for example, in frequent, if not wholesale rejection of the testimony of panchas on the ground that most of them were stock witnesses of the police. This attitude, according to the prosecuting agency, makes it extremely difficult to secure conviction of the guilty in otherwise good cases, because of the extremely suspicious attitude and approach of the courts. The courts, on the other hand, fall back on their general experience as to the unreliability of such testimony. What happens is, that prohibition offences are being committed on a vast scale and the police is genuinely

helpless for want of co-operation as independent eye-witnesses are reluctant to depose in courts. The testimony of the eye-witnesses who accompany the police is being rejected for want of independence on the usual ground that they are the yes-men of the police. The attitude of the courts is, that in the absence of credible evidence, the accused are entitled to the benefit of doubt regardless of court's shrewd suspicions as to their guilt. As these two approaches cannot be easily reconciled, the percentage of acquittals in seemingly true cases is becoming alarming, the prosecution agency is being demoralised and the law-breakers go on merrily committing breaches and thumbing their noses at law in contemptuous derision.

Strong Moral Consensus Necessary

13. Enacted law represents the will of part of the community and it is usually obeyed either out of respect or by force of habit. Neither legislators, nor enforcement agency, nor law courts singly or collectively are omnipotent for securing perfect obedience, particularly when there are strong human motives for disobedience or evasion. It is also true that when laws cease to express a strong moral consensus, their effectiveness ceases. Legal machinery never operates apart from human beings and their foibles are reflected in its imperfect working. Every legal system has necessary limitations and many insuperable difficulties in the way of enforcement.

When Law is over-strained Enforcement Ineffective

14. Enforcement of law involves few difficulties where little is demanded of the law except the ethical minimum necessary for the orderly conduct of society. But when men demand much of the law, when they seek to devolve upon it the whole burden of social control, social reform and social work, they strain the law by making it do the work of the home, of the church, and of the school. Under such exacting requirements, the legal system exhibits signs of strain and the enforcement of law gets involved in many difficulties. A welfare government has many social programmes calling for increasing interference with the everyday life of the citizen. In this atmosphere, dissatisfaction with law, criticism of legal and judicial institutions, or suspicion as to the purpose of the law-maker is frequently expressed, when attempts are made to regulate most phases of human action by law; and the legal machinery is deficient to cope with the huge mass of work on hand. Law cannot make up for the deficiencies of other agencies of social control. There is a certain social malaise for which more effective treatment can be found by means outside the law than through legal coercion.

Professor Roscoe Pound on Limitations

15. Professor Roscoe Pound has animadverted to the limitations inherent in the administration of justice according to law, which preclude complete securing through law of all desirable ethical considerations or social ideas. Another limitation is that legal precepts will not enforce themselves, and, human beings must execute them; and men are not without social or psychological limitations. The law must also furnish a sufficiently strong motive to the citizen and to the enforcement agencies to vindicate or enforce it. In order to secure ready enforcement, the principle underlying the law has to be imbedded in the habits and customs of men.

Unless this is done, all attempts at enforcement would be futile and would in the end prove vain. There are certain obstacles which are beyond the reach of efficiency regardless of the executives being efficient or inefficient. Unless those who have to make the legal precepts effective bestir themselves, the law cannot be vindicated. The limits of effective legal action for making legal precepts effective must be closely studied. We must determine between what we may expect to do through law, and what we should leave to other agencies of social control. The armoury of legal weapons needs careful scrutiny and painstaking appraisal of the value of each for the allotted task. New ones have to be devised in order to secure reasonably efficacious results. As Professor Pound put it:

“We must not allow our faith in the efficacy of effort to blind us to the limitations upon the efficacy of conscious effort in making and shaping the law”.*

Conclusion

16. Complete effectiveness of law as a force for combating social evils depends on many imponderables. Law when left alone may not be able to undertake the entire responsibility for the success of prohibition. Law can make its contribution felt, but it can do so only through human agencies, depending on their honesty, earnestness and efficiency. Opposition to law is no ground for abandonment of effort. Law must be assisted by creating a favourable social climate through mass contact and education. Both coercive and educative methods are essential and have to be drawn upon. Occasional or even recurring setbacks will not justify relinquishment of effort; it may only indicate the need for re-orientation in the light of experience gained, and re-assessment of the ways and means of counter-acting the anti-social onslaught, and combating the forces, that are entrenching themselves to defeat prohibition.

*Roscoe Pound on the Limit of Effective Legal Action, Volume III, p. 373.

CHAPTER XXXII

LAW AND LIQUOR

The subject which is under discussion in this chapter is covered in the Questionnaire by Questions 12 to 20 under 'Liquor Laws' and, to some extent, it figures under the 'Administrative Set-up'—Questions 21 to 24. The terms of reference require us to examine the existing legislations on Prohibition and to make suggestions for removing defects and for securing effective enforcement (Item iv). Under Item (ii), we are also required to suggest practical measures for reducing illicit traffic in liquor and combat other abuses and mal-practices. To the extent to which we are in a position to advise the aid of law for achieving the objective, we will also be covering item (ii).

2. Law has an important bearing and spirituous preparations whether they are being used for potable, industrial, medicinal or toilet purposes and also when these are being misused as intoxicating beverages.

3. Law's impact with liquor is from different angles, viz. punitive, preventive, permissive, regulatory and administrative. Apart from direct contact, there is also an indirect relationship between law and liquor. This happens when certain activities and conduct manifest themselves in consequence of the intake of spirituous beverages, which ultimately entails danger to life, limb and property, lowering of morals, disorderly behaviour, accidents, breach of discipline where it is a statutory obligation, and also in relation to several acts of commission and omission, where a person owes a legal duty. A person under the influence of liquor incurs serious responsibilities which law enforces at his peril. The above relationship of law with liquor is illustrative but not exhaustive. We, therefore, intend to deal with different aspects with a view to suggesting new legislation and also amendments in the existing laws.

4. The existing laws which have a bearing, have been enacted both by the State Legislatures and also by the Central Legislature depending upon the subject matter enumerated in the three lists in the Seventh Schedule read with article 246 of the Constitution. In the Union List, entry 41 refers to "trade and commerce with foreign countries; definition of customs frontiers" and entry 84 deals with excise duties among others on medicinal and toilet preparations containing alcohol, opium, Indian hemp, other narcotic drugs, etc. The State List item No. 51 mentions *inter alia* excise duties on "alcoholic liquors for human consumption". Under item 8 of the State List are "intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors". In so far as the power of legislation with respect to intoxicating liquors is concerned, it includes the power to introduce partial or total Prohibition. In every State which has introduced Prohibition wholly or partially there are both Prohibition Laws and Excise Laws.

5. There also are Central enactments, like the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, the Dangerous Drugs Act, 1930, and the Drugs Act, 1940, which have a bearing on spirituous preparations.

6. Besides these, there are provisions in special laws dealing with drunkenness or with its effects. For facility of treatment, we intend to deal with the relevant laws under separate suitable categories as under:

Amendments in Criminal Procedure and Liquor Laws.

New Provisions in Liquor Laws.

Changes proposed in other Laws.

Changes proposed in Law of Evidence.

New Civil Damages Law—Recommended.

Special Laws for Habitual Drunkards, Retreats and Reformatories.

Hints for Investigating Officers.

Certain legislative measures should be adopted in order to avoid the misuse of medicinal and toilet preparations and also other articles which have a high content of alcohol and though intended for industrial purposes are being made potable.

7. We are afraid that to some extent this treatment may be overlapping and not entirely scientific, but it is unavoidable. Some of the suggestions given below are on the assumption that the states which are wet may not be willing to enforce prohibition for some time. We have, therefore, thought it proper to advise incorporation of laws the effect of which will be to avoid abuse of liquor laws. We have found certain lacunae in the existing legislation to which we are drawing the attention of Governments and have also ventured to indicate the manner in which they can be removed. This has been done in the expectation that the existing liquor laws in the wet states may be more effectively enforced. Our object is to offer our suggestions for improved legislation in both the dry and wet areas.

II. AMENDMENTS IN CRIMINAL PROCEDURE AND LIQUOR

Paucity of Evidence

8. Our experience of different states has been that a large number of liquor offences remain undetected or unreported because of reluctance on the part of the people living in the neighbourhood to report the matter to the authorities concerned, e.g. police, excise or prohibition staff. Officials concerned in every state brought to our notice a pronounced disinclination on the part of people living in the neighbourhood to assist the enforcement. There are several causes of this apathy and want of co-operation on the part of the public. One of them is that they do not wish to fall foul of the illicit distiller particularly where he is wielding influence and is in a position to terrorise the community. People are afraid of the bootleggers' vendetta. Even if reluctance to bear testimony in court, as to the commission of a liquor offence to which a person was an eye-witness, is overcome, and such persons are produced in court, they are very often won over, and this may be out of fear of revenge or out of favour or for

a consideration. Even if such a person is declared as a hostile witness, his cross-examination does not always yield results. In a number of cases persons who are actually guilty escape the wrath of law for want of evidence; and this may be either because witnesses though present are unwilling to come forward to depose to what they had observed or when produced in court, resile from the statements previously made to the police. The courts under the circumstances have no alternative except to acquit the accused for want of evidence as to their guilt.

Code of Criminal Procedure S. 103

9. Section 103 of the Code of Criminal Procedure requires that the officer before proceeding to search a place should call upon two or more 'respectable inhabitants of the locality' to attend and witness the search. The search has to be made in their presence and a list of things seized in the course of such search is required to be prepared by the officers concerned and signed by such witnesses. In certain jurisdictions, these witnesses have been designated 'panchas' and the search documents as 'panchnamas'. The enforcement agency experiences great difficulty in persuading respectable witnesses of the locality to attend the search and seizure. There are also localities where it may not be easy to readily obtain respectable inhabitants. What has been happening is that when the witnesses of the locality are produced, they do not support the story of prosecution despite their having signed the search list and thus enable the accused to outwit the law. If the witnesses are not of the locality, the magistrates hesitate to accept their testimony on the ground that they are stooges of the police or that they are not natural witnesses. In cases where the same witness has appeared in a number of cases, he is deemed by the courts as a stock witness of the police. The difficulties of the prosecution as also the reasons which lead the courts to pass orders of acquittal are understandable. Conviction of an accused person depends on the presence of credible evidence pointing to his guilt. We feel that this difficulty can be overcome in the following ways :—

- (a) The law should make it incumbent upon certain specified persons to assist the police or other enforcement agency not only by giving information of the commission of the liquor offence but also to assist at the time of raids, searches and seizures of excisable articles as contemplated in Sections 44 and 45 of the Code of Criminal Procedure. They should include persons mentioned in Section 45, i.e. village headman, village accountant, village watchman, village police officer, owner or occupier of land, the agent of any such owner or occupier in charge of the management of the land, every member of a village panchayat, every officer employed in the collection of revenue or rent of land on the part of the Government or the Court of wards, and also zaildars, safaidposhs, village patels, karnams, village school teachers, block development officers and other persons in cities, talukas and villages, holding certain offices of dignity or occupying social or official positions carrying superior status and prestige.
- (b) Just as there is maintained a list of jurors—Vide Section 321-322 of the Cr. P.C.—there should be a similar list of men

from the public who may be associated for assisting the enforcement at the time of the raids, searches and seizures. A list of such persons should be maintained for every city, taluka or village.

- (c) Under Chapter IV of the Code of Criminal Procedure, a person is bound to assist a magistrate or police officer when his aid is demanded either in the taking or preventing the escape or in the prevention or suppression of a breach of the peace, etc. There is no statutory obligation requiring the type of assistance indicated above. If the provision is incorporated in the relevant law of the nature suggested above, guilty persons will not escape the just punishment of their offences on account of want of evidence. Of course, in every case, the question of credibility of a particular witness will be within the discretion of the court in the light of the facts and circumstances of the case, and the nature of the testimony.
- (d) The accompaniment of witnesses to search and seizure (panch or mahzar witnesses) may be dispensed with where their presence is not easily procurable. In such cases, the testimony of the policemen should be deemed sufficient for the purpose of conviction if it is otherwise credible. But such police personnel should be of the rank of Assistant Sub-Inspector or above.

Summary Trials

10. We are of the view that offences against Prohibition under the liquor laws should be triable summarily and Section 260 of the Code of Criminal Procedure should be suitably amended. Summary trials are speedy as they dispense with unnecessary formalities. The trials are simplified. Of course, the responsibility in the case of summary trial is much greater and they should be entrusted to experienced and senior magistrates. Where, of course, the particular case presents complexities or in a case in which the prosecution contends that the accused deserves a heavy punishment, it may be left to the court to order a regular and not a summary trial. In the case of offenders under Special Acts, *e.g.* Prohibition Acts, Abkari Acts, and Excise Acts the offences must be tried in summary way even when the maximum sentence which can be imposed exceeds six months, but does not exceed 3 years.

Non-bailable offences

11. The liquor offences, on the whole, should be made non-bailable with the exception of comparatively minor or technical offences. In all cases, offences involving import, export, transport, manufacture, possession, sale, adulteration of liquor, should be made non-bailable; as also the offence of driving a motor vehicle or operating a machine under the influence of liquor.

Mobile Courts

12. Liquor offences may be triable outside the ordinary place of sitting of the court. Mobile courts should be provided to try offences under

Excise Law. Such courts, wherever reasonably convenient, should take cognizance of cases under the liquor laws. Of course, the presiding officer of the court must not be a witness to the occurrence. The object of summary trials by mobile courts is to ensure expeditious disposal.

Judicial Panchayats and Hony. Magistrates

13. Judicial panchayats (wherever they are functioning) should be entrusted with disposal of prohibition cases where the offence is comparatively minor, e.g. drinking in dry areas, drunkenness and possession up to specified quantities of liquor. Similarly, the institution of Honorary Magistrates wherever it functions will be useful in disposing of similar prohibition cases. This recommendation is being made with a view to facilitating clearance of arrears.

Deterrent Sentences

14. The sentences in a large number of cases are hardly deterrent. The records which we have had an occasion to see showed that where sentence of imprisonment was compulsory, the courts paid lip homage to that provision and awarded imprisonment till rising of the court.

Providing Minimum Sentence

15. In all cases of repetition of offences, there should be provided a minimum sentence of imprisonment and in more serious cases even the first sentence should be a term of imprisonment besides a fine, e.g. in case of manufacture, importation, exportation, the cases where persons have been found to be drunken or under influence of drink when there is a corresponding obligation of sobriety as in the case of drunken drivers and persons in-charge of children, invalids, insane persons, machinery, fire-arms, dangerous things and property and persons carrying onerous duties of watch and ward, or of guarding persons or properties.

Register of Previous Convicts

16. There should be a central office in every state with branches in the district headquarters where lists of persons convicted under various Penal Acts including liquor offences are maintained, containing entries giving necessary particulars of their convictions. Apart from other proof of previous conviction the entry on this list should be *prima facie* proof of conviction. It should be the duty of the enforcement in all cases to place on the record evidence of previous conviction. We found that in a large number of cases no attempts were made to find out, if a particular accused is a previous convict. The discovery is usually fortuitous.

Onus on Accused

17. Where consumption of an intoxicant is an offence and where it is found that the accused person had consumed liquor and the concentration of alcohol in his blood was not less than 0.05 per cent weight in volume, then the burden of proof that the consumption of liquor was in circumstances which do not make it an offence, should be on the accused. This difficulty has been experienced in Maharashtra where Section 66(2) has been added by Section 9 of Bombay Act XII of 1959 in the Bombay Act No. XXV of 1949 which places the onus on the accused of showing that

the liquor consumed was "a medicinal or toilet preparation or an antiseptic preparation or solution or a flavouring extract, essence or syrup containing alcohol, the consumption of which is not within the mischief of the Act or rules, regulations or orders made thereunder, and the court in the absence of proof shall presume the contrary". We were told that this provision is being frequently misused and the accused successfully evades the *onus probandi*. The amendment has not overcome the difficulty which it was intended to meet. If consumption of intoxicating alcoholic drink is an offence, whether the alcoholic drink consumed is a medicinal or toilet preparation or a denatured spirit, it should make no difference to the liability. The accused should be able to discharge the onus only on showing by satisfactory and credible evidence that he consumed the quantity alleged under a medical prescription prescribed by a competent doctor for a malady from which he was actually suffering or under some honest mistake.

Onus as to Jurisdiction

18. In certain cases, the courts have insisted that the prosecution must prove that alcohol was consumed within the jurisdiction of the court trying the offender. These cases usually arise where the plea taken up by the accused is that he had consumed liquor in a neighbouring wet area and that he was arrested in the dry area. These defences are known to be taken in areas of Madras State, which are contiguous to Pondicherry and Karaikal and also in areas in Gujarat which are close to the border of ex-Portuguese possessions of Daman, Diu and Nagar Haveli. Reference may be made to a decision of the High Court in *State versus Dhulaji Bawaji* (1962) 3 Gujarat Law Report 409. An amendment in Section 66(b) of the Bombay Prohibition Act, 1949 is called for and it is suggested that the point in the above decision will be met if a sub-section were to be added reading as under:

"In a prosecution under section 66(b) for consumption of an intoxicant, it shall be presumed, until the contrary is proved by the accused that he consumed alcohol within the jurisdiction of the court where he was found."

Destruction of Stills, etc.

19. It has been brought to our notice that the collection of wash, stills, illicit liquor, receptacles, etc., particularly in large towns, is productive of serious nuisance as the apparatus and the contents stink. They have to be preserved till their destruction is ordered by the magistrate. The law should confer a power upon officers of the enforcement, of certain rank and above, to destroy stills and other paraphernalia without obtaining the permission of the magistrate.

Imposition of Collective Penalties

20. There are in every state and in large towns notorious pockets where the bad characters congregate and also where illicit distillation goes on. The police makes repeated raids, but hardly the back of the police is turned, illicit distillation re-starts. Such distillers are elusive and incorrigible. In a large number of cases, the police by its vigilance succeeds in discovering proof of crime but the criminals cannot be traced. In certain riverine, jungle or hilly areas, the terrain helps the illicit distiller. Distillation goes on commonly in such areas but whenever

these places are raided by the enforcement, the distillers generally manage to escape leaving the apparatus and wash at the spot. The distillers and others engaged in illicit distillation and liquor trade are usually known to the neighbours but they do not give information regarding their activities to the police. Where illicit distillation goes on persistently, the law should provide that after giving warning such areas may be notified and collective penalties imposed. These provisions do not offend Article 14 of the Constitution. Section 15 of the Police Act, 1861, and Section 10 of the Punjab Security of the State Act, 1953, furnish models which may be suitably adapted. The constitutionality of such provisions has not been successfully impugned.*

Special Taxes

21. In certain States, the local Acts empower the State Government to establish a system of village watchman and municipal watchman and they can levy special taxes for this purpose. Where illicit distillation is rampant, recourse may be had to similar provisions which may be enacted in the State laws. A reference for purposes of adaptation may be made to the Punjab Laws Act, 1872 Sections 39A, 39B, 39C, 39D and 39E and also to Section 34 of the Northern India Canal and Drainage Act (Punjab Act VIII of 1873).

22. On the analogy of Section 57C of The Bombay Police Act, 1951, a power should vest in the District Magistrate or some other authority in the district, of directing a person who has been convicted of violating prohibition laws to remove himself outside the area for a specified period within the local limits of his jurisdiction and not to enter or to return to that area, if there is reason to believe that such a person is likely again to engage himself in the commission of an offence, similar to that for which he was convicted. The provision of Section 238 of the Cantonments Act 1924, also contemplates the passing of such an order. Such a provision with due safeguards will not be assailable as violative of any constitutional guarantee.**

Execution of Bonds for Good Behaviour

23. In case of liquor offences, it has been seen that the offenders commit them again and again in spite of deterrent sentences of imprisonments and fines. The offenders consider the fines as an additional investment cost. In Madhya Pradesh Excise Act, a provision has been made requiring a person to show cause as to why he should not be ordered to execute a bond for good behaviour. Where a magistrate receives information that any person habitually commits, or attempts to commit or abets the commission of an offence of import, export, transport, manufacture, etc. of intoxicants or possesses them illegally, he may require such a person to show cause as to why he should not be ordered to execute a bond with sureties

*Vide AIR 1962 Patna 303 State of Bihar vs. Kamaksha Prasad.

AIR 1960 SC 1208 State of Rajasthan vs. Thakur Pratap Singh.

AIR 1955 Allahabad 9 Durga Prasad vs. the state.

**Vide Kishore Lal vs. State.

A.I.R. 1957 Punjab 244 and the cases cited thereunder.

for his good behaviour for a period not exceeding three years. It may further be provided that the provisions of Section 110 of the Code of Criminal Procedure regarding execution of bond may apply in the case of Bonds under Excise Acts. This provision may be beneficial to stop the criminals under liquor laws from repeating commission of such offences.

Forfeiture of Real Property

24. The Excise laws in our country provide only for forfeiture of the movable property including the vehicles whether an automobile or aircraft or an animal driven cart or any other means of transport. There is no law for the forfeiture of real property which is used for the violation of liquor laws. In the case of breach of liquor laws, even immovable property which is being used for that purpose can be forfeited. This does not hit any provision of the Constitution. Such laws are in operation in some states of America.* There the reason for forfeiture such property is based on the principle that it becomes a common nuisance in which no property right of any kind whatsoever exists. In view of extreme severity we hesitate to recommend adoption of such a drastic measure except perhaps in cases of incorrigible offenders who cannot otherwise be deterred.

Electoral Disqualification

25. Law should provide that in case a person has been convicted under liquor offences, he should be disqualified either to contest election or to be nominated for membership of any Panchayat, Samiti, Parishad, Legislative Assembly, Legislative Council, Lok Sabha, Rajya Sabha, or hold any other election office. If a person has been convicted during the period when he is a member of the above mentioned bodies, he should cease to hold such an office. The disqualification in such cases should exist for a period of 5 years from the date of conviction.

Government Servants

26. Similarly, Government servants, village officers, Lambardars, Zaildars, Safaidposhes, Patels, Karnams, Talaiyaris or by whatever name they are called in any part of the country, may be made liable to removal on being found guilty of such offences.

Chemical Analysts in every District

27. The provisions should be made for having chemical analysts in every district, so that delay in disposing of the cases may not occur. In our tour in different states, we have received complaints that reports from chemical analysts on specimens sent to them were received very late and consequently the decision of the cases were unduly delayed. In order to avoid inordinate delay, it is essential that the analysts should be appointed in every district.

28. In order to expedite the trials of such cases, a provision should also be made that the statements of the witnesses should be recorded by courts without waiting for the report of the chemical analyst.

*Vide 48 CJS—Intoxicating Liquors, para 398.

Joint Possession

29. Most of the offenders are acquitted on the ground that the prosecution fails to prove in whose possession the incriminating article was found. It has generally been seen that the confirmed offenders put the intoxicating liquor or other material in such a place which is in possession of more than one person. In such cases, the person in respect of whom there is reason to believe that he was aware of existence of such intoxicating liquor or drug on the premises in vehicles or other places, should be liable to punishment unless he proves to the contrary. Section 35 of the Arms Act furnishes a model for adoption.

Contraband Sources

30. Law must punish severely both the supplier and the receiver of liquor from contraband sources. Liquor is sometimes made available to civilians through the intercession of persons who can draw upon liquor quota intended for consumption to military personnel. It should be a very grave offence for a person entitled to use of liquor on account of his being in military service, who misuses the quota for unprivileged persons. Whether the liquor has been supplied with or without consideration should be of no moment. The gravity of the offence should remain unaffected, whether the reason for giving liquor was mercenary or altruistic.

Club Licences

31. Licences are issued for sale of foreign liquors to clubs but Excise Acts do not contain any provision with respect to sales by the club. The provisions which are contained in the statutory rules are not sufficiently stringent to control the sales to unauthorised persons on the premises of clubs. We are, therefore, of the opinion that laws with regard to clubs, if they are at all allowed to hold liquor licences, should be modified on the pattern of Sections 91 to 97 of the Licensing (Consolidation) Act, 1910 of the United Kingdom. The licences of the clubs should be liable to be forfeited* *inter alia* on the following grounds:

- (a) where the membership has fallen below 25;
- (b) club is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose;
- (c) that there is frequent drunkenness on club premises;
- (d) that illegal sales of intoxicating liquor have taken place on the club premises;
- (e) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor;
- (f) that supply of intoxicating liquor to the club is not under the control of the members of the committee appointed by the members.

Sales on credit should be forbidden. No person shall either by himself or by any servant or agent sell or supply in any licensed premises or club any intoxicating liquor to be consumed on the premises; or consume any intoxicating liquor in such premises or club; unless it is paid for before or at the time when it is sold or supplied.**

*Analogous Law—Sections 91 to 97 of the Licensing (Consolidation) Act, 1910.

**Analogous Law—Section 8 of the Licensing Act, 1921.

We were told that the clubs are being misused as drinking places even by non-members, by resorting to the simple ruse of enabling an outsider to become a member for a day on payment of nominal fee.

III. NEW PROVISIONS IN LIQUOR LAWS

32. The statutes relating to intoxicating beverages in the United Kingdom and in the United States of America are far more stringent and comprehensive than the laws in our country. We feel that some of the provisions from the laws of those countries should find a place in our Acts. It may be that some of the statutory rules under the State Acts cover what we are recommending below and to that extent some of the suggestions may be redundant. We are making these suggestions in the hope that they may find a place in the laws of all states.

(i) Law should impose penalty upon a person keeping any house, shop, room or place of public resort wherein provisions, liquors or refreshments of any kind are sold or consumed, who shall wilfully or knowingly permit drunkenness or other disorderly conduct in such house, shop, room or place, or knowingly suffer any unlawful games or any gaming whatsoever therein or knowingly permit or suffer prostitutes or persons of notoriously bad character or drunken or disorderly persons to meet together or remain therein. In the first instance, the penalty imposed should be of a fine but in the case of subsequent convictions, the penalty may include imprisonment.*

(ii) In appropriate cases, it will be desirable to burden the accused found guilty of the prohibition or excise offences, with costs of the prosecution. It has been found that the fines usually imposed are light. As the investigation and trial of these offences cost the state considerable amount of money, it will not work undue hardship if in suitable cases besides the sentence of fine, the accused may be required to pay the costs of prosecution. In suitable cases, trial court may be left with the discretion to award full costs, half costs or no costs. But costs should be awarded as a rule where appeals filed on behalf of the accused on conviction are unsuccessful.**

(iii) Persons summoned as witnesses to give evidence touching any matters arising under the Prohibition Act or Excise Acts who neglect or refuse to appear without reasonable excuse for such neglect or refusal as may be admitted and allowed by the court or who on appearing refuse to be examined on oath and give evidence should on summary conviction be convicted and fined.***

*Analogous Law—Section 44 of the Metropolitan Police Act, 1839.

Section 32 of the Refreshment Houses Act, 1860.

Section 79 of the Licensing (Consolidation) Act, 1910.

Section 77 of the Licensing (Consolidation) Act, 1910.

**Analogous Law—Section 35 of the Refreshment Houses Act, 1860.

Section 1 of the Inebriates Act, 1899.

Section (4)—Costs in Criminal Case Act, 1908.

***Analogous Law—Section 38 of the Refreshment Houses Act, 1860.

(iv) A person who shall be drunk, riotous, quarrelsome or disorderly in any shop, house, premises or place licensed for the sale of liquor by retail or to be consumed on the premises or for refreshment, resort and entertainment, and shall refuse or neglect to quit such place upon being requested to do so by the manager or occupier or his agent or servant or by any constable should be liable to fine. All constables should be authorised, empowered and required to assist in expelling such drunken, riotous, quarrelsome and disorderly persons from such shops, houses, premises and places.*

(v) Being drunk while in charge of a carriage, mechanically propelled vehicle, cycle etc. should be an offence.**

(vi) If any person is found drunk in any highway or other public place whether a building or not or licensed premises, while having the charge of a child apparently under the age of 7 years, he may be apprehended, and shall if the child is under that age, be liable, on summary conviction, to a fine not exceeding Rs. 100 or to imprisonment with or without hard labour for any period not exceeding two months.

If the child appears to the court to be under the age of 7, the child shall, for the purpose of this provision, be deemed to be under that age unless the contrary is proved.***

(vii) Law should provide for the protection of husband or wife if either is habitual drunkard:

(a) In the case of a drunkard husband, his wife should be entitled to an order for separation and maintenance;****

(b) In case the wife is a habitual drunkard, the husband should be entitled to apply to a court of summary jurisdiction and the court on such application may make one or more orders containing all or any of the following particulars:*****

(1) A provision that the applicant be no longer bound to cohabit with his wife. This provision should have the effect of decree of judicial separation on the ground of cruelty.

(2) A provision for the legal custody of any children of the marriage.

*Analogous Law—Section 41 of the Refreshment Houses Act, 1860.

Section 80 of the Licensing (Consolidation) Act, 1916.

**Analogous Law—Section 61 of the Town Police Clauses Act, 1847.

Section 28 of the London Hackney Carriage Act, 1843.

***Analogous Law—Section 2 of Licensing Act, 1902.

NOTE: In England, in addition to any other sentence, a person of 60 years of age and upwards convicted under this Section may be disqualified by the court from receiving or continuing to receive the old-age pension for a period not exceeding 10 years.

Section 3, sub-section (iii) of the Old Age Pensions Act, 1908.

****Section 5(1) of Licensing Act 1902 read with Summary Jurisdiction (Separation and Maintenance) Act, 1925.

*****Section 5(2) of Licensing Act, 1902, read with Section 3 of Summary Jurisdiction (Separation and Maintenance) Act, 1925.

- (3) A provision that the applicant shall pay to his wife personally or for her use to any officer of the court, or other person on her behalf, a sum not exceeding Rs. 60 per month as the court, having regard to the means both of the applicant and his wife consider reasonable.

(viii) A person procuring or attempting to procure liquor for consumption by any drunken person, or who shall aid and abet any drunken person in obtaining or consuming any intoxicating liquor on any premises so licensed, should be liable to a fine not exceeding Rs. 100 or to imprisonment not exceeding three months or both.*

(ix) A penalty should be imposed upon a person knowingly sending any person under the age of 14 years to any place where intoxicating liquors are sold or delivered or distributed for consumption either on or off the premises.**

(x) The licensee should be punishable who supplies any liquor by way of gift or sale to any constable on duty unless by authority of some superior officer of the constable.***

(xi) Pawn-brokers are prone to take unfair advantage of the needy and it should be provided that it will be an offence for the pawn-broker if he takes an article in pawn from any person under the influence of drink.****

(xii) It will be an inducement to public co-operation if a substantial portion of the fines up to one moiety recovered may be spent for developmental purposes near about the locality of the crime.@

(xiii) It is also necessary that law should place limitations as to the use of intoxicants in the field of medicines whether allopathic, homoeopathic, Ayurvedic or under any other system. Such limitations also need being put on toilet and other preparations which are liable to be misused. Resort is being had to all sorts of shifts and devices to evade the liquor law by manufacturers of medicinal and toilet and other preparations. (We have examined this matter separately in Chapter XXI).

(xiv) A ban should be placed on the advertisement of liquors in newspapers through bills, posters or hoardings, etc. In our large towns in wet areas, liquors are being advertised extolling their virtues in an alluring manner. We noticed in cities like Lucknow, Hyderabad and Calcutta, large-sized hoardings of 20'×10' advertising beer, gin and whisky with catchy captions, e.g.

'Any Time is Gin Time'

'Here's to Roaring Health'

*Analogous Law—Section 7 of the Licensing Act, 1902.

**Analogous Law—Section 68 of the Licensing (Consolidation) Act, 1910.

***Analogous Law—Section 78 of the Licensing (Consolidation) Act, 1910.

****Analogous Law—Section 32 of the Pawn brokers Act, 1872.

@Analogous Law—Section 5 of the Sale of Beer Act, 1795.

'For Booming Energy Mature and Mellow'

Some of them have pictorial representation.

The American National prohibition Act October 28, 1919 forbade every manner of advertisement of manufacture, sale, keeping for sale, or furnishing of intoxicating liquors. The police power extended to prohibition of advertisement of intoxicating liquors for sale and to the circulation even in areas where sale of liquor was legal. It was also an offence to circulate to prospective purchasers through posters, price lists of liquors or blank order forms advertising liquors for sale. The Legislature in America went to the extent of forfeiting property used for violating the State laws even though the owner had no guilty knowledge of its having been put to such use.

(xv) All the State laws should contain definitions of intoxicating liquors by name and also by alcoholic content. The advantage will be that where the statute declares as a matter of law that liquors named are intoxicating, no proof of their intoxicating qualities is required. If there are liquors being sold under other names, then in those cases alone, insistence on alcoholic content can be demanded by the defendant. A suitable example is furnished by U.S.A. Federal Enactment of 1919 which defines intoxicating liquors as including "alcohol, brandy, whisky, rum, gin, beer, ale, porter and wines and in addition vinous whereto any spirituous, vinous malt or fermented liquor, liquid or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one half of one per cent or more of alcohol by volume which are fit for use for beverage purposes". Our laws may contain a definition including the local names of intoxicating drinks made in different parts of the country. The relevant provisions in the different State laws both in dry and wet areas need being reconsidered.

(xvi) Plea of ignorance of the character of liquor or of the contents of package should not be allowed to be raised to a charge of unlawful sale or illegal transportation.*

(xvii) The principle of vicarious responsibility should be applied to cases where a person suffers, without reasonable and practicable effort on his part to prevent manufacture, sale, etc. of intoxicating liquor by his wife, children, clerk, partner, agent or employee. He should be liable to punishment as though he had committed the act himself. If criminal responsibility is fastened upon a person for violation of liquor law on the part of his wife, his children, other dependents and his servants, it will deter the illicit distillers, sellers, transporters, etc. One feature that struck us was that the police rarely caught distillers and other liquor law offenders doing liquor business on a large scale. Whenever raids were made, the police generally found that the stills were being operated by women and children and the real culprits at whose instance the operations were being carried, remained at a safe distance, leaving his agent behind. The principle of vicarious responsibility has been recognised in other countries and its application for such offences should be considered. Landlord and tenant

*Wharton's Criminal Law, Volume 2, Section 1798.

may both be chargeable singly or jointly with such offences as also partner where there is understanding express or implied to contravene the law.*

(xviii) The Federal Law in America declares all places where intoxicating liquor was manufactured, sold, kept or bartered in violation of the statute and all intoxicating liquors and property kept and used in maintaining the same to be common nuisances. This law was enacted for simplification of proceedings and abatement of the nuisance was optional with the court. The standard of responsibility was possession and not title or ownership of the premises on which forbidden liquors were found. The adaptation of similar law to conditions in our country is recommended.*

(xix) In the case of liquor offences, any room used, building, boat, vehicle, structure, should be subject to lien for fine and costs against persons found guilty. Intoxicating liquors, bottles, glasses and other paraphernalia kept and used in maintaining such places may be destroyed and confiscated when found to be kept for use for unlawful purposes. In the case of property, vehicles, etc. belonging to another but being unlawfully used by a bailee they are liable to seizure. The innocent owner of the vehicle or other things who has entrusted their custody to another who has subjected them to illegal use for transporting intoxicating liquors, etc. has a remedy against the bailee. In this way, the hardship to the owner by seizure and confiscation can be avoided.***

(xx) A mistake of fact or ignorance as to the nature or character of the liquor in question ought not to be a defence.**** There was a stagnation in the development of criminal law when the essential quality of a criminal offence was a wrongful intent. Now criminal law takes into account not only conduct which is offensive to good morals but also which is a moral wrong. There are a large number of offences which are punished though they are not contraventions of any moral law. They are punishable because they are *mala Prohibita* and not because they are *mala in se*. In the case of the former, the purpose or the intent of the motive is immaterial so long as a rule of criminal law has been violated. The responsibility for a mistake of fact or for ignorance or of good faith or of due care and caution is placed by the state on the accused and he acts at his peril. Guilt by knowledge, therefore, in such cases ceases to be an essential ingredient of the offence. Ignorance of fact or existence of honest belief cannot constitute a defence, for instance, in the case of sale of intoxicating liquors to persons of intemperate habits or to minors. Law in these cases makes it incumbent on the seller to find out that his customer is under no disability. It is for him to find out whether his customer is qualified to purchase the liquor or not, whether he is a minor or a major, or drunken or sober.****

*Wharton's Criminal Law—Volume 2, Section 1809, 25 LRA 602.

** Wharton's Criminal Law Section 1799.

***Analogous Law—Wharton's Law, Volume 2, Section 1801, 8 ALF p. 888, 45 ALR p. 93.

***Analogous Law—Wharton's Criminal Law, Volume 2, Section 1812.

*****See Wharton's Criminal Law, Volume 1, Section 399.

IV. CHANGES PROPOSED IN OTHER LAWS

Special Acts

33. In so far as drinking is detrimental to discipline and undermines efficiency, there are a number of special Acts where drinking under certain conditions is banned and made punishable. So far as the general trend and tenor of these special Acts is concerned, we are not suggesting any major changes. We are only recommending certain modifications so that these laws mentioned below, may be in harmony with the national policy of Prohibition. The Acts with the relevant sections are as follows:

- (1) Section 510 of Indian Penal Code, 1860 (Act XLV of 1860).
- (2) Section 12 of the Stage Carriages Act, 1861 (Act XVI of 1861).
- (3) Section 34 of the Police Act 1861 (Act V of 1861).
- (4) Section 167 of the Sea Customs Act 1878 (Act VIII of 1878).
- (5) Section 28 of the Indian Telegraph Act 1885 (Act XIII of 1885).
- (6) Sections 100 & 120 of The Indian Railways Act, 1890 (Act IX of 1890).
- (7) Section 49 of the Indian Post Office Act, 1898 (Act VI of 1898).
- (8) Section 63 of The Inland Steam Vessels Act 1917 (Act I of 1917).
- (9) Section 56 to Section 59 of The Cantonments Act, 1924 (Act II of 1924).
- (10) Sections 17 & 117 of The Motor Vehicles Act, 1939 (Act IV of 1939).
- (11) Section 48 of The Air Force Act, 1950 (Act XLV of 1950).
- (12) Section 48 of the Army Act 1950 (Act XLVI of 1950).
- (13) Section 52 of The Navy Act 1957 (Act XXII of 1957).
- (14) Sections 234, 377 of The Merchant Shipping Act, 1958 (Act No. XLIV of 1958).

Under 'Influence of Drink'

34. One change which should be brought about in different provisions in various enactments penalising "drunkenness" or 'intoxication' is, that the expression should be substituted by "under the influence of drink or drugs". There are three stages in the imbibing of alcoholic drinks. The first stage is when a person may have in his system alcohol but he may not yet be under the influence of drink". The next stage is that a person is "under the influence of drink", but not in a state of "drunkenness" or "intoxication" or "inebriety", the three terms being synonymous. The last stage is definitely "drunkenness" or of "intoxication". It is unnecessary to further classify drunkenness into mild or excessive.

Quantity of Alcohol

35. In which of the above-mentioned categories a person, who has imbibed liquor falls, can be determined by examination of blood, breath and other body fluids. It is now scientifically established that if there is less than 0.05 per cent alcohol in the blood or equivalent amount in other body fluids, the subject ordinarily is not under the influence of alcohol.

But where the percentage of alcohol in the blood or in other body fluids is 0.05 per cent or more, there should be an irrebuttable presumption of being under the influence of drink.

Air Force Act, Army Act, Navy Act

36. The Navy Act, 1957, The Air Force Act, 1950, and The Army Act, 1950, punish drunkenness. Section 48 of the Air Force Act and Section 48 of the Army Act prescribe punishment for a person subject to the said respective Acts "who is found in a state of intoxication, whether on duty or not". The Navy Act, 1957 (Section 52) makes a distinction between an offender committing an offence of drunkenness on active service, when the maximum punishment is imprisonment for a term of two years, and in other cases when the maximum term of imprisonment extends to six months besides any other punishment as is mentioned therein. We feel that for the words "guilty of drunkenness" as used in Section 52 of the Navy Act and "found in a state of intoxication" as used in The Air Force Act, 1950 and the Army Act (Section 48), the words "under the influence of drink or a drug" should be substituted.

Standard of Sobriety

37. The modern exigencies call for the optimum functioning of the mental and physical faculties as any impairment of such faculties, howsoever small, is accompanied with grave risks. It is, therefore, imperative that standards of sobriety should be more exacting. We, therefore, suggest that the test should be that where there is 0.05 per cent or more of alcohol in the blood or equivalent amount in other body fluids the person should be presumed to be "under the influence of alcohol" and this should be made punishable. There is a distinction between "being under the influence of drink" which is the first impact of alcohol, and "drunkenness" which supervenes later. The penal provisions should be attracted even at the earlier stage.

38. We feel that the standards of sobriety in the case of police personnel ought to be more exacting mainly for the reason that a police officer is deemed to be always on duty. Members of the police force come into intimate contact with the members of the public. For higher standards of sobriety and discipline are expected of them and any departure or deviation will be not only detrimental to the discipline of the police force but will also affect members of the public, who are prone to take their cue as to social standards from Government servants in general and members of Police or other enforcement staff in particular.

Inland Steam Vessels Act, Indian Railways Act

39. Section 63 of the Inland Steam Vessels Act, 1917 refers to "drunkenness" and Section 100 of Indian Railways Act to "state of intoxication" on the part of the respective personnel. We feel that wherever "drunkenness" or "intoxication" is made punishable, the standard should rather be of being "under the influence of drink or drugs". The punishment awardable under first part of Section 100 is fine extending to Rs. 50 and where inebriety is likely to endanger the safety of any traveller, with imprisonment or fine or both. We feel that in the former case, the sentence of fine should be enhanced to Rs. 200 and in the case of repetition of the offence, the person found guilty should also receive a term of imprisonment. In the case of subsequent offence on the part of a railway servant whose indulgence in drink is found to be likely to endanger safety, he should not be retained in service.

Indian Railways Act

40. The maximum sentence of a fine of Rs. 50 for a person offending against Section 120 of the Indian Railways Act, 1890, by being in a state of intoxication should be raised to Rs. 200 and in the case of a subsequent conviction he should also undergo a term of imprisonment.

Indian Post Office Act

41. Under the Indian Post Office Act, the maximum penalty of a fine of Rs. 50 which is imposed under Section 49, is gravely erring on the side of lenity, to the detriment of discipline and safety of mail bags or other postal articles. The punishment should be severer.

42. Absolute sobriety should be insisted upon by law from Government servants who are called upon to discharge duties requiring high standards of discipline, responsibility, efficiency or accuracy, e.g. members of medical services, nurses, teachers, prison officers, persons engaged in factories, mines, etc.

Section 510 of the Indian Penal Code

43. Section 510 of Indian Penal Code (1860) relates to misconduct in public by a person in a state of intoxication and is made punishable with a term of simple imprisonment extending to 24 hours or with fine extending to Rs. 10 or with both. Section 34 of the Police Act, 1861, punishes *inter alia* a person found drunk or riotous or who is incapable of taking care of himself by fine not exceeding Rs. 50 or to imprisonment with or without hard labour not exceeding eight days. We suggest that in both these provisions, the punishment should be enhanced and in the case of subsequent offence, the offender should receive a compulsory sentence of imprisonment. We also suggest that the words "in a state of intoxication" and "drunk" should be substituted by words "under the influence of liquor or intoxicating drug".

Indian Telegraph Act

44. In Section 28 of the Indian Telegraph Act, any telegraph officer, or any person not being a telegraph officer, but having official duties connected with any office, which is being used as a telegraph office is punishable, if he is guilty of "drunkenness" whereby the correct transmission or

delivery of any message is impeded or delayed. We recommend that for the aforesaid reasons "drunkenness" should be substituted by "under the influence of drink or drug". The Section does not punish the persons or officers who are not connected with transmission or delivery of messages. The Section ought to be amended, so as to make all servants of the Telegraph Department liable to punishment if they discharge their duties while "under the influence of liquor or intoxicating drug".

The Merchant Shipping Act

45. In Sections 234 and 377 of the Merchant Shipping Act, 1958 the word "drunkenness" has been used. For the same reasons we also recommend that "drunkenness" should be substituted by the words "under the influence of drink or drug".

Motor Vehicles Act

46. Although driving under the influence of drink is frequent, the cases of prosecution of such drivers are very few. Driving or attempting to drive a motor vehicle on a road or other public place when a person is unfit to drive through drink or drugs should carry besides the conviction under Section 117 of the Motor Vehicle Act (1939) also an obligatory disqualification for a period of at least 12 months from the date of the conviction, unless the court for special reasons thinks fit to reduce the period of disqualification to six months. Sections 17 and 117 and allied Sections should be modelled on Sections 6, 11, 104, 109 and 111 and Schedule 11 of the English Road Traffic Act, 1960.

It is only driving or attempting to drive, that has been made an offence, whereas in the English law even operating by a person under the influence of drink or drug is an offence. We think that operating of the car may also be made punishable though it may not be an attempt to drive.

The fact of conviction should be endorsed on the licence and the licensing authority should also be informed so that on its relevant register an entry of conviction and disqualification for holding a licence to drive may also be entered. This is with a view to avoiding the effect of endorsement on a licence by making an application for fresh licence on the false plea that the licence has been lost. Drunken driving raises other questions of proof in a court of law. This has been dealt with separately.

Bicycle Riding, etc.

47. On the pattern of Section 11 of the English Road Traffic Act, 1960, law in our country should provide punishment for a person riding a bicycle on a road or other public place while he is unfit to ride through drink or drugs. Similar penalties should also be imposed upon persons driving vehicles other than motor vehicles whether animal driven carriages or other mechanically propelled vehicles.

Inebriate Pedestrians

48. The contribution by pedestrians who have partaken of alcoholic beverages is equal if not greater. It may be because drinking is more common among pedestrians than among persons in-charge of mechanically propelled or other vehicles. A study conducted by the New York State 7 P. C.—29.

Public Health Department showed that even at a very low level of alcohol in blood, the pedestrians' ability to cross streets safely was greatly reduced. An inebriate pedestrian may often be the cause of accident in a collision with a vehicle driven by a sober driver. For tortious liability ingestion of alcohol may be responsible for the contributory negligence on the part of the pedestrian in accident cases.

V. CHANGES PROPOSED IN LAW OF EVIDENCE

49. Many a guilty person escape because of technical rules of evidence. The liquor business even where tolerated ought not to be placed at par with other legitimate business. The principal reason is that the liquor business brings in its wake serious evils which are a menace to peace and orderliness and which are productive of serious crimes, besides being a danger to health. The concomitant evils which are in the nature of public wrongs cannot be allowed to be entrenched as private rights. No citizen can be allowed to contend that he has a natural or an inherent or an inviolable right to engage himself in liquor business. The State may regulate or take away absolute right to do business in intoxicants.*

50. It is, therefore, suggested that the following amendments in the law of evidence be introduced so far as these questions involve matters relating to liquor laws.

(i) In the case of intoxicants, courts should take judicial notice of the intoxicating properties of well-known alcoholic beverages without proof of their alcoholic content regardless of the fact whether it was lawfully or unlawfully manufactured;

(ii) A court may take judicial notice of the facts,

- (a) that the essential element in all spirituous liquors is alcohol; and that they are made by the process of distillation or fermentation;
- (b) that certain articles are commonly used in the manufacture of prohibited liquors, e.g. jaggery, mahua flowers, sap of toddy palm, coconut palm, sago palm and palmyra, bark of acacia, ammonium sulphate, etc.
- (c) that well-known alcoholic beverages have distinctive odour for the purpose of their identification;
- (d) that intoxication increases the probability of being involved in an automobile accident;
- (e) that an intoxicated person is capable of a particular intent even if he is not in normal control of his faculties;

(iii) The Legislature should make provision as to what may be *prima facie* evidence. Such presumptions *inter alia* may be:

- (a) that possession of intoxicating liquor is *prima facie* evidence of violation of law on the strength of which a conviction may follow unless there is counter-vailing evidence to the contrary;

*See Wharton's Criminal Law, Vol. 1. s. 391.

- (b) that a certificate of a public analyst is a *prima facie* evidence of the alcoholic content of liquor in a prosecution for liquor offences;
 - (c) that the defendant had no legal permit or authority to possess, sell, transport, import, export intoxicating liquor;
 - (d) that liquor was not intended to be used for chemical, mechanical, medicinal, pharmaceutical, sacramental, scientific or industrial purposes;
 - (e) presence of drunken persons, materials, *e.g.*, barrels, kegs, bottles, casks, glasses; liquor itself or odours are *prima facie* proof of nuisance;
 - (f) possession of intoxicants above a certain quantity should be *prima facie* proof that they were intended for sale;
 - (g) in the case of well-known and defined beverages, there should be presumption in favour of their intoxicating qualities. In the case of others, the proof of their intoxicating qualities may be left to evidence;
- (iv) In the case of a drinking driver, the following presumptions may be made :
- (a) that where there is less than 0.05 per cent alcohol in the blood or equivalent amount in other body fluids (or breath), the subject shall be presumed not to be under the influence of alcohol so far as the operation of motor vehicle is concerned;
 - (b) where there is 0.05 per cent or more alcohol in the blood or equivalent amount in other body fluids or breath, the subject shall be presumed to be under the influence of alcohol, as far as the operation of a motor vehicle is concerned.

Vehicle Code

51. The Vehicle Code proposed by the National Safety Council has been adopted in a large number of States in the United States of America and it has been given certain statutory presumptions as to when a driver of a vehicle is under the influence of intoxicating liquor. Section 117 of our Motor Vehicles Act, 1939 punishes driving while under the influence of drink or drugs. The test is that such a person should be under the influence of drink or drugs to such an extent as to be incapable of exercising proper control over the vehicle. No further guidance is forthcoming as to when such a person is deemed to be under culpable alcoholic influence. The relevant provision of the Vehicle Code of The National Safety Council is reproduced below :

- “(b) In any criminal prosecution for a violation of sub-division (a) of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substances shall give rise to the following presumptions:

1. If there was at that time five-hundredths per cent, or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;
2. If there was at that time in excess of five-hundredths per cent but less than fifteen-hundredths per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;
3. If there was at that time fifteen-hundredths per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;
4. The foregoing provisions of this sub-division shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor."

We are, however, of the view that presence of 0.05 per cent or more of alcohol in the blood should raise an irrebuttable presumption of being "under the influence of drink".

52. The courts may draw inference of guilt from attempts to suppress evidence of destruction of intoxicating liquor, its containers, apparatus, still, etc.¹

53. In a prosecution for selling liquor to a habitual drunkard, the general reputation of the purchaser's lack of temperance should be admissible.

54. As drunkenness is of common occurrence, its recognition requires no special scientific knowledge. The general rule of evidence should be that the opinion evidence of a non-expert as to whether or not a person is intoxicated, may be admissible in evidence. The opinion must, however, depend on the facts observed upon the basis of which the opinion has been formed. An expert may, however, testify as to the *percentage of alcohol* in the blood necessary to produce intoxication or whether such a person had understanding. These opinions, however, must relate to the time the observations were made by the witness.³

Opinion testimony based on taste, sight, smell to be admissible

55. Testimony based on taste, sight and smell as to the unlawful content of liquor should be admissible in evidence. Of course, the court has the discretion to give sufficient weight to the testimony. It should thus be competent for a witness to testify that he tasted the liquor sold by the defendant as medicine and that in his opinion it was an intoxicating beverage provided the witness had the requisite experienced.⁴

¹See Wharton's Criminal Evidence, Vol. 1, s. 142.

²See Wharton's Criminal Evidence Vol. 1, s. 277.

³Analogous Law—Wharton's Criminal Evidence, Vol. 2, s. 531.

⁴78 ALR 439.

56. A witness shown to be qualified by experience may give his opinion that the beverage sold and drunk was an intoxicating beverage containing a forbidden percentage of alcohol. Such testimony should be admissible although no chemical analysis has been made.

Opinion Evidence

57. Opinion evidence as to the intoxicating character of liquor should be admissible although based on smell alone. An experienced person may give his evidence as to the ingredients of a beverage, as for instance, a person who has been a bartender for a number of years.

58. An expert may testify that on the basis of tests conducted by him, the particular substance was intoxicating¹.

59. It should be competent for a witness to recognise liquor by its odour or to state that he smelt alcohol on the defendant's breath. It may, however, be mentioned that a witness may recognise a substance by its odour without being able to describe the odour in words. Most persons would find it difficult to describe the odour, say, of a rose, whisky or beer or cheese although they are familiar with the respective odours and can distinguish one from the other.²

60. Analytical results made on a blood sample taken from an unconscious person should be admissible in evidence.

Drunkometer test to be admissible

61. The testimony furnished by drunkometer tests may carry a presumption of correctness. In the case of drunkometer tests forcibly performed on an unwilling subject, the evidence should be admissible. In any case, with a view to avoiding the risk of such a testimony being declared inadmissible on the ground of compulsion or want of consent, the law should provide that a driver who refused to take any one of the chemical tests on his body fluids, will automatically have his driving licence revoked. In certain jurisdictions, a presumption of consent attaches to the grant of a driving licence. In our law, the form of application for a driving licence to be signed by the applicant, may contain a clause that he gives his consent to the chemical tests on his body fluids which may be carried in case he is prosecuted under Section 117 of the Motor Vehicles Act.³

62. Where the defendant voluntarily consents to the making of a test, evidence of such test should be admissible to determine intoxication.

63. Tests of intoxication from breath, urine or blood should be made admissible even when done with or without the consent of accused. The taking of such tests from a person suspected of crime should not be unlawful.⁴

¹See Wharton's Criminal Evidence, Vol. 2, s. 541.

²Analogous Law—Wharton's Criminal Evidence, Vol. 2, s. 555.

³See 164 ALR 967.

25 ALR 2d. 1407.

⁴See Wharton's Criminal Evidence, Vol. 2, s. 664.

64. When results of a test are offered in evidence, it is necessary to show by foundation evidence that the test employed was accurate, that it was properly administered by a qualified person and that it was of probative value having been made sufficiently close to the commission of the alleged crime.

Identity of specimen to be maintained

65. It is also essential to the admissibility of evidence of chemical test that the identity of the specimen tested should be established with that of the accused person from whom the object tested was taken. This is necessary by the testimony of a witness or witnesses who were present at all stages of the removal of the specimen and testing, and who can accurately testify to the identity of the object or substance removed and the one tested. The specimen in question has to pass through several hands before it is produced in court. It is necessary, therefore, to establish a complete chain of evidence as one missing link in the chain will make the entire evidence inadmissible. It has been noticed that a number of cases in our country fail, on account of the failure of the prosecution to observe this necessary condition. There must, therefore, be sufficient credible evidence of the identity of the specimen during its transit to and from the place of testing or examination. When one or more intermediate deliveries are made, the object or specimen tested must be traced through all stages. Identity has, therefore, to be established of the thing analysed with the thing taken from the body of the accused.*

66. Weight of evidence of scientific test will depend on the court and it has to be shown that the test employed was accurate and properly administered. The test for determination of alcohol once shown to have been administered by a competent person after taking all the necessary precautions should be treated as conclusive.**

67. It should not be necessary to notify to the defendant of the making of an experiment and the evidence of experiment should be admissible even if it was not conducted in the presence of the accused.***

68. A demonstration may be made at the trial as distinguished from experiment conducted in the laboratory provided the conditions relating to the demonstration are substantially similar.****

Value of expert opinion

69. The developments of science constantly influence the expansion of the field for the use of expert testimony. Courts listen to evidence based on scientific research and experimentation provided it has developed beyond the point of supposition to the point of demonstration. The expert opinion as to the methods and results of analysis of blood and of other body fluids is now widely accepted in evidence. Apart from having functional value, these opinions, in so far as they recognise a scientific fact, are being taken judicial notice of when the tests have been properly

*See 21 AIR 2d. 1216.

Wharton's Criminal Evidence, Vol. 2, s. 665—675.

**See Wharton's Criminal Evidence, Vol. 2, s. 670.

***See Wharton's Criminal Evidence, Vol. 2, s. 683.

****Analogous Law—Wharton's Criminal Evidence, Vol. 2, s. 684.

performed. At one time, scientific testimony on the subject of intoxication demonstrated by drunkometer test was not readily accepted, but now it no longer is of questionable probative value.

No privilege violated

70. It should also be made clear that the use of chemical tests does not violate the privilege against self-incrimination under Article 21(3) of the Constitution of India, as truth is not endangered by such a compulsion. This inhibition really applies to word of mouth and not to physical evidence. The chemical test based on bodily fluids does not lose its probative character whether it has been obtained involuntarily or voluntarily. Neither consent nor compulsion can affect the physical characteristics.*

Presumption of content

71. In some of the states in America, there are statutory presumptions to the effect that every person who operates a motor vehicle on the public highway of the State shall be deemed to have given his consent to submit to a chemical test of his breath, blood, urine or saliva for the purpose of determining the alcoholic content of his blood. Our law should also recognise such presumptions. The basis for the presumption of consent is that driving a motor vehicle on the public highway is not a right but a privilege which the State can restrict or regulate. The consent is presumed to have been given as a condition to the privilege of driving. If the accused refuses to give a sample of body fluid for testing, his licence to drive ought to be revoked.**

72. In proving the sale or consumption of intoxicating liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money had actually passed or any intoxicating liquor was actually consumed if the court hearing the case is satisfied that such a sale actually took place or that any consumption of intoxicating liquor was about to take place.

73. A label on a bottle may be presumed as indicative of its alcoholic content.***

Minor's age from appearance

74. In case a person is prosecuted for sale of liquor to a minor, the appearance of the vendee may be admissible as affecting the seller's probable knowledge.

Reputation of trafficker

75. Where a person is prosecuted for trafficking in intoxicating liquors, the reputation of the consignor as trafficker in illegal liquor may be admissible.

*See AIR 1958 Punjab: 294—Pakhar Singh vs. State and other decided cases. Jones on Evidence, Vol. 4, s. 857.

**Jones on Evidence, Vol. 1, s. 110.

***See Wharton's Criminal Evidence, Vol. 2, s. 603.

76. If a lessor's knowledge about his premises as being used for selling of liquor is in dispute, it may be evidenced by the reputation of the place.

VI. NEW CIVIL DAMAGES LAW RECOMMENDED

Vicarious liability

77. The existing law allows relief against a drunken person who has caused injury to another under the influence of liquor. We further recommend that law should require the courts to grant damages to the party suffering injury in person, property or means of support in consequence of the acts of a drunken person against the supplier of liquor. The statute should hold the furnisher of intoxicating beverage vicariously liable for the injury caused by a person to whom drink was furnished for his consumption. This should be regardless of the supply of liquor being legal or illegal.

78. Plaintiff should also be able to obtain damages in the case of injury to or loss of property occasioned by the defendant's sale or furnishing of intoxicating liquors.

Damages for injury to means of support

79. Similarly, the law should provide right of action for injury to "means of support". If the plaintiff proves that the defendant had sold or furnished liquor to a person from the use of which intoxication resulted, whereby the plaintiff sustained loss of the means of support, the plaintiff should be entitled to damages against the supplier of liquor. The wife has an interest in the capacity of her husband to provide means of support. If the husband's capacity mental or physical on account of intoxication, is so impaired as to incapacitate him from work or business, or results in accident or injuries, this should furnish to the wife a right of action. The intemperate habits of the husband, or, that the wife has independent means of her own, or her ability to earn her living, should not be permissible defences. All that the plaintiff need prove is the impairment of the husband's support of his wife or capacity to support. The right of the wife to support should not be restricted to bare necessities of life.

80. The right of action which is available to the wife on account of her being deprived of the means of support, should also be conceded to minor children and others who in law are entitled to be maintained by such a person.

A continuing wrong

81. The injury by reason of which the plaintiff's means of support are diminished or destroyed is a continuing wrong and recovery may be had for all future loss from the moment of the cause of action. The decretal amount may, however, vary depending upon partial or total loss of means of support and also on a consideration of the earnings, earning capacity, the health and the habits of the person who supported the plaintiff.

82. The seller of liquor should be made liable for the care of the person being intoxicated in consequence of the sale of liquor to him. A person who makes another drunk ought to pay a reasonable sum required for looking after a drunken person while drunkenness lasts.

Service of notice on sellers

83. The law should also recognise the right of certain persons to serve notice on sellers of liquor not to furnish intoxicants to certain persons and if notice is unheeded, an action for damages should be allowed to be maintained against sellers. Thus a wife or other specified relative of a person who is a habitual drunkard may give notice to liquor sellers not to supply him with liquor. If despite notice, liquor is supplied, an action for damages may be allowed. Before the suit is entertained, it must be obligatory on the plaintiff to show that the notice concerned a person who was a habitual or an immoderate drinker. Once such a notice is given it should be no defence that the seller did not knowingly furnish liquor.

84. Similarly, a right should be given to a parent or a guardian of a minor to institute a suit for damages where intoxicants have been furnished to the minor.

Suit by dependants

85. An action may also be allowed to be maintained where a person's drunken condition has deprived him of the normal use of his faculties as to incapacitate him from protecting himself against dangers to which by reason of intoxication he has been exposed. If a person who has been given drinks whereby he becomes intoxicated and on leaving the premises of the seller he is thrown from a vehicle or is run over by a railway train or is drowned or on account of his helplessness, freezes to death, or injures himself on account of his helplessness by reason of intoxication, a suit for damages at the instance of his dependants should lie against the seller, provided the death or injury was the natural and probable result of intoxication.

Minimum damages

86. In all these cases, the law may indicate a minimum sum which may be allowed as damages in the event of the plaintiff's suit being decreed or such higher damages as may be proved to have been actually sustained. In the case of supplying liquor to minors, the statute should provide that the plaintiff on mere proof of intoxicants having been supplied to him should be entitled to the specified amount of damages. If he claims a higher sum, the claim has to be substantiated by proof of actual damage. It may not be necessary for the plaintiff to prove that intoxicating liquor was the direct or proximate cause of the injury or loss and it should suffice if it can be shown that the liquor furnished had contributed to the intoxication which has been the cause of the injury.

87. The persons on whom the statute may confer the right to sue the supplier of drink may be specified, such as, husbands and wives, parents and children and persons who are in *loco parentis*.

Seller to be liable for agents' acts

88. The liability of the seller of drinks should be vicarious and he should be liable in damages for injuries caused by his agents or servants acting within the ordinary scope of their employment. Similarly, liability should also rest upon owner or lessor of premises who knowingly permits the sale of liquor thereon, for actionable injuries caused by such sale.

Safeguard for dependant

89. With a view to safeguarding defendants, it should be incumbent upon the plaintiffs to show that the person in question became intoxicated and his intoxication was either caused or contributed to by the acts of the defendant or his agents or servants acting within the ordinary scope of their employment and further that the particular injury alleged was sustained in consequence of such intoxication.

Insurance policy

90. It is generally seen that the decree holders real difficulty begins after he has obtained the decree. In order to ensure the realisation of the decretal amount on execution being sued out, law should also make it obligatory upon the liquor seller to take out a policy of insurance similar to the one contemplated by Section 94 of the Motor Vehicles Act, 1939 against third party risks. In the case of insolvency or inadequate means of the liquor supplier or if he has deprived himself of the means for the recovery of the claim of damages, the decree of the court may be executed against the insurer.

91. The above suggestions are capable of being incorporated in the statutes both in dry and wet areas with suitable adaptations.

92. The above suggestions owing to their newness may appear to be unduly severe, but there is ample support for such laws in other jurisdictions. Further, the civil rights and remedies created where injuries are occasioned by the sale of intoxicating liquors, have been held to be within the legitimate exercise of legislative power. Moreover, such legislation being remedial and beneficial should be so construed as to suppress the mischief and advance the remedy.*

VII. SPECIAL LAWS FOR HABITUAL DRUNKARDS, RETREATS AND REFORMATORIES

93. As yet no provisions have been made for treatment of "habitual drunkards" in our country, though such provisions exist in the United Kingdom and the United States of America. We are of the opinion that law in this country may provide for the special treatment of habitual drunkards, who because of want of self restraint and by reason of intemperate habits cannot resist the temptation of alcoholic drinks. These provisions would not apply to occasional acts of drunkenness.

Habitual Drunkards

94. "Habitual Drunkard" is a person with whom drunkenness has become a habit. It is, however, not necessary that in order to fall within the definition of "a habitual drunkard", one should always be under the 'influence of liquor'. The test usually applied to such cases is that a person has a fixed habit of drunkenness. In other words, he is a person who habitually drinks to intoxication, a sot, a person given to inebriety or the excessive use of intoxicating drink and as a consequence thereof has lost the power or will to control his desire for frequent indulgence. Other des-

*See 48 CIS Intoxicating Liquors—paras 430 to 485, and 30 Am Jur title Intoxicating Liquors—Part XV, paras 607 to 629.

criptive terms are 'common drunkards' or 'inebriates'. A person is said to be drunk when he is over-powered by alcoholic liquors in contradistinction to similar result having followed by taking of other intoxicating drugs or narcotics. "Intoxication", and "drunkenness" are terms used synonymously and are attributes indicating a condition when a person has lost the normal control of his bodily and mental faculties. 'Habitual intemperance' 'inebriety', 'habitual drunkenness' are inter-changeable terms. The term 'habitual drunkard' is defined in the Habitual Drunkards Act, 1879, as a person who is "by reason of habitual intemperate drinking of intoxicating liquor at times dangerous to himself or to others, or incapable of managing himself or herself, and his or her affairs".

95. Two types of Retreats and Inebriate Reformatories can be provided, firstly, where admission can be ordered by courts, and secondly, where admission can be sought by the inebriate at his own desire.

Reformatories

96. Under the first scheme, after appropriate proceedings and ascertainment of habitual drunkenness of a person, he may be committed to an institute till he is cured of his habit. The quasi-guardianship may relate to person, or property or both. The nature of proceedings are not criminal and the intention is not to punish. These proceedings bear some analogy to guardianship proceedings and should be regulated under a statute for that purpose. The object of these proceedings should be the determination as to whether a person is a habitual drunkard. The proceedings do not partake of the character of a criminal trial but are in the nature of an investigation or a special inquest which is a judicial inquiry to ascertain a matter of fact. It is an inquisition in the sense of the process of inquiring or searching matters for the purpose of finding out the existence of conditions justifying the application of the statutory provisions. The character of such proceedings is more paternal than penal. It also contemplates the use by the State of a power whereby it can force treatment on persons, who because of addiction to alcoholic beverages have lost the power of self-control and, therefore, themselves require protection. These proceedings should not take into account occasional acts of drunkenness but be confined to persons who become incapable of controlling themselves and their property because of habitual drunkenness.

Proceedings

97. These proceedings can be instituted at the instance of persons to be specified in the statute and the tribunal making an enquiry should insist upon proof of habitual drunkenness. After it is found that the person who is the subject of enquiry is an inebriate he may be committed to such an institution for treatment. Actual control and custody of the habitual drunkard may, however, be placed in the hands of a committee or guardians or managers of the institution, where he may be kept for care and treatment. Of course, he must have a proper hearing after proper notice and he should be given a reasonable opportunity to rebut the allegation that he is a habitual drunkard. The person who is alleged to be habitual drunkard should as a rule be present at the hearing and no commitment order should be made except on credible evidence showing inability on account of inebriety on the part of the defendant to take care of himself and manage his estate.

Review

98. A provision should also be made to enable the person found to be an inebriate to reopen the proceedings and to show that as a result of his treatment or detention in reformatory, he can be entrusted with sufficient control over himself and his affairs and he may, therefore, be released from guardianship. Of course, it will be for the habitual drunkard who desires discharge to establish his reformation.

Property to be in Custodia Legis

99. The property of the habitual drunkard should be under the custody of the court and should not be disposed of except under the court's order. The court should also consider the desirability of appointing a committee or a guardian with a view to ensuring prudent management of his estate. All conveyances of the property by a person found to be a habitual drunkard should be deemed void even if the deed of conveyance was executed during a sober interval. His income and property should be utilised under direction of the court for the support of his family. The immovable property may be allowed by the court to be alienated only in case of necessity either for maintenance of the drunkard, his dependants or for clearing his legally recoverable debts.

100. The drunkard, whose person and property are under the guardianship of the court, may be enabled to sue or be sued through the committee or the guardians appointed. The obligations incurred by the drunkard prior to his adjudication may be reviewable with a view to seeing that he had not been imposed upon and people have not taken improper advantage of his weakness or his feeble-mindedness owing to inebriety.

Retreats

101. Under the second scheme, retreats are established, to which the habitual drunkard can also go voluntarily, for treatment. These retreats may be run by individuals or by the State, as is done in the case of hospitals. An habitual drunkard, who desires to seek admission into a retreat, may make an application in writing, giving full particulars as required and stating the period during which he wants to stay there. Such application may be required to be accompanied by certificates of two respectable persons besides a doctor, to the effect that they know that the applicant is a drunkard. The application must also be attested by a First Class Magistrate who should certify that he explained the contents thereof to the applicant and that he had understood them.

102. An habitual drunkard after admission into a retreat may not be allowed to leave the retreat until discharged or till the expiration of period mentioned in the application or even for further term, as the doctor may consider proper, but such term should not exceed a particular period to be prescribed by a statute. He may, however, be allowed to live with any trustworthy person, who is ready to take charge of him for some definite period, provided he satisfies the manager of the retreat that he has improved his habits.

103. An habitual drunkard who has been once detained in a retreat may, if he so likes, get his term extended or get re-admission into it. In the case of second admission, the previous formalities of submitting the admission form may, however, be dispensed with.

104. The experiment with respect to retreats as given above under the second scheme was tried in Great Britain but has not been proved to be a great success. That, however, is no reason for not starting a similar experiment in our country. It is a notorious fact that improper advantage is taken by sharpers and unscrupulous persons of the feeble mindedness of drunkards and very often such people pander to the vicious weaknesses and encourage reckless extravagance on their part in order to impoverish their estate for their own benefit, making the children and other dependants of inebriates suffer on that account.

Reformation of Inebriates

105. We are also of the opinion that inebriate reformatories may also be provided, in which habitual drunkards convicted of certain offences may be sent for reformation. Similar provisions exist in the laws of United Kingdom. The reformatories are of two types :

- (i) An inebriate reformatory to which are sent such habitual drunkards with respect to whom there is expectation of reformation; and
- (ii) An inebriate reformatory to which the worst type of offenders may be sent. These may be like prisons.

Detention of criminal inebriates

106. Habitual drunkards guilty of offences punishable with imprisonment or penal servitude may be ordered to be detained in such reformatories. Such persons may be ordered to be detained for a term not exceeding three years in an inebriates' reformatory in addition to or in substitution of any other sentence. Regulations can be made by the Government as to the inebriate reformatories. The expenses may be paid by the Government or be recovered from inebriates.

Inebriates in the United Kingdom : grounds for detention

107. In the United Kingdom, the Inebriates Act, 1898, provides that a drunkard convicted four times of drunkenness and found guilty of any of the offences mentioned in the First Schedule of the Inebriates Act, 1898 is liable to be detained for a term not exceeding three years in any certified inebriate reformatory. It will not be without interest to reproduce some of the offences listed in the First Schedule as a pattern on which we may model our laws:

- (i) Being found drunk in a highway or other public place, whether a building or not, or on licensed premises;
- (ii) Being guilty while drunk of riotous or disorderly behaviour in a highway or other public place, whether a building or not;
- (iii) Being drunk while in charge, on any highway or other public place, of any carriage, horse, cattle or steam-engine; (a bicycle has been held to be a 'carriage' for the purposes of section 12 of the Licensing Act, 1872);*

*Corkery vs. Carpenter (1951) 1 K.B. 102.

- (iv) Refusing or failing when drunk to quit licensed premises when requested;
- (v) Refusing or failing when drunk to quit any premises or place licensed under the Refreshment Houses Act, 1860, when requested;
- (vi) Being found drunk in any street or public thoroughfare within the metropolitan police district, and being guilty while drunk of any riotous or indecent behaviour;
- (vii) Being intoxicated while driving a hackney carriage;
- (viii) Being drunk during employment as a driver of a hackney carriage, or as a driver or conductor of a stage carriage in the metropolitan police district;
- (ix) Being drunk and persisting, after being refused admission on that account, in attempting to enter a passenger steamer;
- (x) Being drunk on board a passenger steamer, and refusing to leave such steamer when requested;
- (xi) Being found in a state of intoxication and incapable of taking care of himself and not under the care or protection of some suitable person in any street, thoroughfare, or public place whether a building or not, or on any licensed premises;
- (xii) Being found drunk on any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child under the age of seven years;
- (xiii) Being found in a state of intoxication and incapable of taking care of himself and not under the care or protection of some suitable person, in any street, thoroughfare, or public place, whether a building or not, or on any licensed premises.

Recidivism

108. Recidivism is pronounced in the case of habitual drunkards who persistently offend against liquor laws and no sentence is sufficiently deterrent to keep them from contravening the law. Neither a long sentence nor frequency of punishment seems to have any effect on them and they seem to be destined to spend their days within prison walls with hardly a desire to lead a free and regulated life.

Some incorrigible repeaters

109. During our visits to several jails we came across some "repeaters" among both sexes of prison population. We met several such convicts undergoing prison sentences for prohibition or excise crimes for the seventh or eighth time. In one case there was a woman who was undergoing her thirteenth sentence and in yet another case, a woman had been imprisoned to undergo her twentieth term. The record of repeated convictions in England is hard to beat. Against one Jane Cakebread who died in 1898, there were 281 convictions for drunkenness. In 1920, Eleanor Larkin had undergone her 228th sentence. Kenny, in his book "Outlines of Criminal Law—18th Edition (p. 620)" refers to Lord Herschell's mentioning a woman who underwent 404 imprisonments for drunkenness. Persistent

offenders present problems which defy solution as they neither respect laws nor are deterred from jail sentences. They may, however, be reformed if adequate provisions are made. Society has to be protected and they can be best placed in seclusion for an interminable period whereby the repetition of offences becomes impossible. Howsoever slim the chances of success may be, efforts have to be continued for their reformation. Very often, incorrigible offenders turn out to be those for whose correction no serious efforts have been made. We, therefore, recommend that detention in re-treats, reformatories and, in suitable cases, probation is an experiment which should be given a trial.

VIII. HINTS FOR INVESTIGATING OFFICERS

110. Some of the provisions which already exist in law are often not resorted to by the prosecution. The prosecution also does not try to have the best evidence, though it is available. The following suggestions are made for the guidance of prosecutors:—

- (a) In cases which may be considered by the enforcement to be of considerable gravity, resort should be had to the provisions of section 164 of the Criminal Procedure Code and statements of witnesses may be recorded. The statement will deter witnesses from resiling afterwards or from being tampered with. Such statements recorded as soon after the incident as possible will be more reliable. Section 80 of the Indian Evidence Act attaches to such statements presumption of genuineness.
- (b) Photographers may be associated to take photographs of working stills and the photographer may be produced as a witness to show that he had taken a photograph of what he had seen and that it had not been tampered with.
- (c) A number of trials are vitiated because of insufficient care on the part of the prosecution in not placing on the record proof of the identity of the incriminating articles from the date of its seizure till it is returned by the chemical examiner or other expert. It is absolutely necessary that proof should be forthcoming that the article produced in court is the same which was seized from the accused and which had been examined by the expert to which his report relates. All the requisite connecting links must be proved. The exhibits when sent to the chemical examiner, whether they are specimens of blood or of liquor or other things, must have a mark fixed in such a way that its identity admits of no doubt. The exhibits sent must also be safeguarded and adequate steps taken to prevent their being tampered with.
- (d) Sufficient care is not taken to collect and produce evidence of conscious possession of the incriminating articles by the accused concerned. Such evidence is usually available in the form of rent receipts, electricity bills, house-hold goods bearing his name, his postal address, etc.

CHAPTER XXXIII

PUBLIC OPINION & HUMAN NATURE : SOME MISCONCEPTIONS

The entire superstructure of democracy is founded on public opinion. The greatest sanction behind any law is public opinion, for it can sustain it as also pull it down. It is perhaps for this reason that Carlyle said:

“Popular opinion is the greatest law in the world”.

Newspapers view on Public opinion

2. We were told at Bombay that public opinion is against prohibition and, in support of this contention, our attention was drawn to the increasing spiral in the breaches of liquor laws and increased activities of illicit distillers, smugglers and suppliers of alcoholic preparations—medicinal or industrial—with a view to making them potable. A large number of recent press cuttings were collected and given to us in order to show that public opinion is for modification of the rigour of dry laws. We have also glanced through the editorial view points from the leading articles in the newspapers seeking support for their conclusions from what they believe was the public opinion. According to one point of view, the press reflected public opinion and yet according to others, the opinion of a particular writer was being offered to the readers under the name and guise of public opinion.

In an assessment of what is public opinion, it will be want of foresight, if one were to draw conclusions, merely, from what is said in the daily press as, that is the view of the few endeavouring to convert the many to their points of view. Large bulk of the silent members of the society have also an opinion and because they do not or cannot ventilate it in public, the press or through the media of communication, their views cannot be ruled out and excluded from an assessment of public opinion. Women of the country who form half the population, have no doubt strong views on the subject, but they do not readily give expression to them or seek publicity for them.

Prof. Dicey's views

3. What actually is public opinion becomes a knotty question. A few basic truths about public opinion have to be borne in mind. According to Professor Dicey, public opinion at any given time is a bundle of beliefs, convictions, sentiments, accepted principles or firmly rooted prejudices and includes an amalgam of weaknesses, wrong feeling, right feeling and even obstinacy.* Often, enough what comes to be later on known as public opinion originates with a single or a few thinkers, who set the ball rolling, which later on gathers momentum. A change in public opinion occurs when hitherto accepted views begin to be doubted or distrusted as they had not been productive of the particular benefit which had been claimed for them. There are always cross-currents and counter-currents influencing

*Law and Public Opinion, pp. 19—38.

the ruling opinion indicating an unstable equilibrium. Public opinion in certain matters is not stationary but fluid. Law and public opinion mutually act and react.

Opposition because of failure

4. It often happens that a law which fails in attaining its aim turns public opinion against it. To a certain extent, this is true of our prohibition laws. The opposition has been generated by feelings of disappointment with the ineffectiveness of the law. The difficulty in enforcing social legislation is due to the fact that there always are strong sentiments supporting as also condemning it. Both contending points of view are borne of strong and equally sincere sentiments. The deification and denigration of a public sentiment keep on alternating. That is probably why Dicey said: "It is difficult to make emotion, however respectable, the basis of sound legislation".* Dicey also observed that, like Bentham's utilitarian reforms which were initially doubted and subsequently accepted, sometimes benefits have been achieved in the face of defiant popular sentiment.

Certain interests

5. We cannot help feeling that public criticism of liquor laws and of their enforcement sometimes stems not from any intrinsic demerit but because successful prohibition does not suit certain interests. One's own interest gives bias to his judgment oftener than it corrupts his heart.**

Propaganda is not public opinion

6. Experience also shows that what goes by the name of public opinion is nothing but a designed and studied propaganda motivated by personal interests in order to influence thought and action of others. When persistently a certain point of view is being styled as a manifestation of public opinion, the object appears to be two-fold; to find ready acceptance of one's views by labelling them as public opinion, and secondly, by repetition to find the largest acceptance by the public as their opinion. Very often, what one reads in the columns of newspapers is an opinion of an individual expressed in public rather than the opinion of the public.

Certain newspapers have been espousing the cause of drinking either regulated or free, in the expectation that the dissemination of their views may set into motion counter-currents. The gullible among the readers are taken in more by catch-words and phrases which are assiduously repeated than by a cool deliberation of the merits and demerits of the proposition. The peculiarity of the catch-phrases, is that they catch without netting the truth.

Sympathies

7. When recording the evidence, we also realised the truth of the saying that opinions are more largely formed by our sympathies than by carefully sifted evidence. We also felt that some persons we examined gave an impression by their obstinacy that they were not holding opinions so much as opinions were holding them. This is a sort of slavery of isms.

**Ibid*, p. 950.

***Ibid*, p. 15.

Apathy or listlessness

8. We have our misgivings in readily assuming as public opinion what is being served as propaganda. We cannot, therefore, accept what has been claimed in certain newspapers, that public opinion in any particular state or in the country as a whole is opposed to prohibition. People no doubt are critical of its enforcement. The early enthusiasm in favour of dry laws has abated. Certain anti-social tendencies which were not fully anticipated have emerged clogging the progress of prohibition. There is also a considerable apathy or listlessness on the part of the people who are themselves teetotallers but feel that they cannot stem the tide of criticism. The cause of prohibition suffers less from the onslaught of those who believe in freedom to drink than at the hands of those who themselves do not drink but dare not voice their own opposition.

Cross-currents and Counter-currents

9. The ruling legislative opinion at one time having the support of public opinion does not stay stationary but is affected by counter-currents or cross-currents of opinion. A counter-current may be supplied by new hopes or may be the result of innovation or reform. Public opinion over most public matters is rarely one-sided but is generally fluid. The counter-currents sometimes are indicative of an unstable equilibrium. They may very often be based upon ignorance, prejudice or selfishness. A cross-current differs from a counter-current in that it does not so much directly oppose the predominant opinion of a given time as deflect and modify its action. A cross-current thus deflects and a counter-current opposes.

Law and Opinion Counteract

10. Law and opinion interact. Sometimes it is the latter that motivates a law, and equally often, it is law which after its enactment creates a public opinion. Thus, public opinion fosters and is also fostered by laws. It may seem paradoxical, but this is unavoidable though sometimes a neglected truth. It often happens that a law which fails in attaining its end, may by its failure turn public opinion against it. This, to a certain extent, is the case with our prohibition laws. Their ineffective enforcement has resulted in a counter-current for their abolition. This rise in opposition is the result of failure of the prohibition laws, rather than want of sympathy with the underlying principle of prohibition. Thus, those people who believe in prohibition as an ideal are now expressing contrary views, feeling disappointed by the ineffectiveness of the law. There is another trend noticeable when good intentioned but ignorant critics begin to assume that the failure of a social legislation is due to lack of severity in enforcement.

Jevons

11. Jevons, writing in 1882, said:* "It is futile to attempt to uphold in regard to social legislation any theory of eternal fixed principles or abstract rights. The whole matter becomes a complex calculus of good and evil. It is all a question of probability and degree. A rule of law is grounded on a recognised probability of good arising in the opinion of the law giver from a certain line of conduct."

*The State in Relation to Labour, 3rd Edition, 1894, pp. 16-17.

The law reformer or the social legislator cannot calculate with mathematical accuracy, the effect of a given law in increasing or diminishing human happiness. A legal innovation should be supported or censured on visible grounds.

Apotheosis

The apotheosis, or the deification or exaltation of a sentiment has tended to produce startling results. Sometimes unenlightened opinion has a grip over the public. It then devolves upon the enlightened members of the public to steer and guide it into proper channels.

Drinking is human habit not human nature

12. At several places an argument has been addressed to us which may be briefly discussed. It is said that it is futile to expect any changes in mores and traditions which are deep rooted and consumption of alcohol is said to be part of human nature; and that human nature does not admit of change. There is a saying "*Naturam furco expellas etiam redibit*". ("You may expel human nature with a pitch fork, it will still come back"). Generally this may be true. But it is an over-simplification. Drinking of an intoxicating beverage may be a human habit, but can it be said to be in human nature to drink? Even as a human habit it is confined to small minorities and as habits at no time in human history was it ever universal. In fact it has been frowned upon. We do not accept the contention that it is in human nature to imbibe spirituous drinks. Even if that be so, human nature is modifiable even though in the process of modification it might offer some resistance. Human nature can be moulded by external influence. Certain habits can be acquired and learnt and then discontinued or altogether given up. Human nature is not static but it grows and in that process it changes. On the other hand, it is in human nature to make trials and experiments so as to learn and then modify. There appears to be no reason whatsoever for feeling dejected on the ground that men cannot be weaned from drinking habits because they have acquired the habit for a long time.

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CHAPTER XXXIV

ROLE OF THE PRESS

Tendentious Press approach

The attitude of the press in India regarding prohibition is disparaging, if not altogether antagonistic. This is particularly so with the English language press. Insofar as the circulation is sizable, an impression is being conveyed that prohibition has failed and therefore it should be scrapped. Ever since the formation of the Prohibition Study Team, the press has written a good deal upon the subject matter of our study. From our perusal of the large number of press cuttings, we are constrained to observe that there is a good deal of loose thinking and that no serious study of the problem has been made. No serious reader of the English language press in our country will fail to notice that there is a strong bias against prohibition and that criticism is generally carping than constructive factitious than factual. It is difficult to probe the reasons which have motivated this attitude. These may be altruistic or wordly. Prohibition with its ban on advertisement of distillery or brewery products has deprived the press of an income which could be handsome. The manufacturers know that it pays to advertise and would loosen their purse-strings if only the embargo on advertisements imposed by law, were lifted. We would hesitate to ascribe the loss of a rich source of revenue as the real motive for the hostile and censorious attitude of the newspapers, but it certainly can be one of the grounds responsible for it.

2. It is the right as well as the duty of the press to espouse a cause or to denigrate it. The subject matter of prohibition, no doubt, is controversial and sincere and honest persons are arraigned on both sides. What strikes us as objectionable is the occasional indulgence in deviation from objectivity and in *suppressio veri* if not altogether in *suggestio falsi*. The dry cause is generally played down and often suffers from a censorship of silence. Entirely wrong factual statements have appeared in the influential press, but when contradiction is sent or correction is sought, then on one pretext or the other, it is not published, not even in the obscure corners of the correspondence columns whereas false news was banner-lined. The recent announcement of the new policy by the Maharashtra Government was acclaimed and played up. If it is in consonance with the views of the editor, this is understandable and it ought to be so. But what is regrettable is that the views of a section of the public, by no means inconsiderable, were completely blacked out. A number of esteemed public men and associations wanted to comment adversely upon the wisdom of the new policy, but for their views the hospitality of the columns of the newspapers was not extended. As we have already said, we cannot fathom the real reason. This bias may be born of conviction or it may stem from the outrageous social conduct of bootleggers, racketeers or smugglers; it may even be an indignant reaction to the feeble enforcement or against the venal members of the task force. The undeniable fact, however, is that the incontrovertible scientific truths and the universally acknowledged alcohol-caused

evils, whether in the sphere of health, economics, domestic felicity or crime are rarely highlighted. This tendentious approach cannot but be deprecated.

The Propaganda Machine

3. The printing press is a powerful propaganda machine and is occasionally employed by pressure groups and interested persons to deceive, mislead and inflame the ignorant and the impressionable. An avalanche of half-truths smother the real truth; and appeals to passion and prejudice, when persistently repeated, often succeed as against unexpressed or unpublished truths. Propaganda has often duped and betrayed the innocent and the confiding. Those behind the propaganda machine like to operate under the smokescreen of lofty purposes and benevolent motives. In the name of law and order, purity of administration and politics, true temperance and health, the modification of prohibition is invoked. The gullible and the unsuspecting are thus fed by the propagandist journalist on distorted news misrepresenting fact and the motives of those who wish to suppress an evil. The cartoonist as well as the commentator has reduced artillery goes on the multitude begin to believe that there is truth in what they continually read and hear.

Censorship of silence

4. There is yet another and more potent method of stifling truth. This. the newspapers often resort to by not taking notice of it. As Oswald Spengler put it :

“It is permitted to everyone to say what he pleases, but the press is free to take notice what he says or not. It can condemn any ‘truth’ to death, simply by not undertaking its communication to world—a terrible censorship of silence which is all the more potent in that the masses of newspaper readers are absolutely unaware that it exists.”*

The subsidised politicians render their services and put into circulation catch-phrases and, inflammatory statements with an effect which is demoralising. They thus fulminate with a view to doing away with political corruption, hypocrisy bootleggers and drunkenness, and to promote true temperance. The high-sounding phrases often work.

How A.A.P.A. sabotaged Prohibition in U.S.A.

5. In the United States, an influential group of men styling themselves as the Association Against the Prohibition Amendment (AAPA) had organised itself to bring about the repeal of the Eighteenth Amendment. It solemnly demanded abrogation of prohibition ‘in the interest of law and order, political purity, true temperance, prosperity’. The policy of a large number of powerful daily newspapers and widely read magazines was controlled by owning them or financing them or through advertisements. These influential publications, by editorials and by cartoons, brought home to the American people the fallacy of the Eighteenth Amendment. The office holders of the Association got statements, speeches and articles from those whom they could influence with their money and serve them as “news” for

*Quoted by Dobyns in “The Amazing story of Repeal”, p. 60.

the consumption of the unsuspecting public. The AAPA claimed that in one year, 153,617,704 copies of magazines and periodicals containing articles and editorials attacking prohibition were read by the public. The office of this Association distributed in 1930 more than 4,000,000 copies of books, pamphlets, reports, reprints, letters and leaflets containing wet propaganda. With the cooperation of the newspapers and their artists a collection cartoons attacking and ridiculing prohibition, was published and widely distributed. Dobyns remarks:

M. Dobyns:

"The proprietors of newspapers and magazines wished not only to satisfy subscribers, advertisers and financial backers, but also to reduce the income-taxes paid by themselves and their corporations. With repeal, they could also anticipate millions of dollars from liquor advertising. With a few honourable exceptions, therefore, they became sounding boards for all the wet propaganda that was poured out by the Association (AAPA).*

**A corps of professional propagandists was maintained to prepare 'facts', 'statistics', 'arguments', 'pamphlets' and other documents suited to every interest, point of view, taste and emotional state. They began with those who had a direct financial interest in repeal. Income-tax payers were told that annulment of the Eighteenth Amendment would do away with the income-tax: hotel owners that it would restore their bars; makers of barrels, bottles and similar articles, that it would increase the demand for their products; farmers, that it would create a market for their grains, labourers that it would furnish employment and increased wages Newspapers and magazines were informed that their support was demanded by the men to whom they looked for advertising and financing . . . The entire country, every interest and every element of the population, was covered thoroughly For 7 years without ceasing false and inflammatory statements were used with devastating effectiveness to destroy the intellectual and spiritual defences against the liquor traffic that had been built up in the minds and hearts of the American people by generations of education. The social pressure, financial coercion, political corruption, lawlessness and sabotage exercised by the repeal forces were protected by an imponderable smoke-screen of fakes and falsehoods. Future generations will be able to gain only the faintest conception of the manner in which the truth was distorted.

".....The wet propagandists went into action disguised as knights-errant of the Constitution, the rights of the State and personal liberty, as crusaders for law, order and political purity, and as apostles of true temperance Cartoons appeared daily representing them (drvs) as illiberal, hypocritical, unsociable, neurotic obnoxious people with hip flasks protruding from their pockets..... With unspeakable effrontry, they

*Dobyns: "The Amazing Story of Repeal", Chapter 6, p. 58.

**Ibid, pp. 209—212.

declared that prohibition had caused all the lawlessness, corruption and crime for which they themselves were responsible. Everywhere and constantly prohibition was attacked by high sounding academic arguments, by misrepresentations, and by sneers and ribald jests the whole wet propaganda was born of selfishness, greed and corrupt politics, that it was being promoted by sophistry, fraud and coercion, and that in spite of lax enforcement and sabotage, prohibition was succeeding and advancing the economic, social and spiritual welfare of the people. The wets, however, through their control of the instruments of publicity, were able to lay down a barrage so heavy and so effective that the truth could not break through and the people were permitted to hear only the ceaseless rat-tat-tat of the wet propaganda".*

6. For over 40 years prior to the enactment of the Eighteenth Amendment, the press of the United States was deluged with editorials and articles suggesting that alcohol was the chief cause of poverty, crime, disease and insanity. Paid advertisements were the only means of representing the wet point of view. Yet, by 1930 the position was exactly the reverse.

"Articles were written and placed by writers who were ostensibly impartial but who were in reality supporting repeal for a fee paid by the Association (AAPA). Statistics, clip-sheets, pamphlets and free copies were supplied to any newspaper on demand. Similar means of exerting pressure on editors through advertisements were employed A dry survey in 1931 found that the circulation of wet newspapers outnumbered that of dry newspapers by two to one The city press was becoming more and more the press of all America and the city press grew wetter and wetter".**

The similarity of the press attitude in the United States, in the third decade of this century, with what we have been noticing during recent years in our country, is not without its lesson. We do hope that the resemblance is fortuitous and the press in this country has not drawn inspiration from what motivated the American journalism to throw its weight on the side of the wets as the law had imposed a ban on advertising alcoholic beverages.

Our Language Press

7. What we have said about the English language press in our country is not entirely correct of the Indian language press. Their approach has mostly been sober and discriminating—probably because they were not financially hit by the ban on advertisements.

High standard of fairness and impartiality

8. In a country where credulity goes so far as to treat the printed word as an *ex cathedra* pronouncement, it is expected of the reputable columnists, editors, writers of notes and comments, to maintain a high standard of fairness and impartiality. They may as well adopt the maxim dear to the judges in law courts—*fiat justitia, ruat coelum* let justice be

*Debyns: "The Amazing Story of Repeal", Chapter 6, pp 209—212.

**Prohibition by Andrew Sinclair, Chapter 16.

done, even if heavens fall. The editor is sometimes an advocate, espousing a cause, and at other times, a judge, giving his unbiased opinion after balancing the views of both sides. In the latter capacity, let the press not forget the above maxim, as the standard of journalistic fairness ought not to be one whit less exacting than the judicial norm. If *suggestio falsi* is abominable, *suppressio veri* must equally be reprobated. If expression of falsehood is unforgivable, suppression of truth cannot be venial.

Noblesse Oblige

9. We do not underrate the propagative power of the press in influencing public opinion. But what it propagates is not necessarily public opinion; that may only be in an embryonic stage. We do not question the high status of the press as the Fourth Estate, but the press must not forget that its high rank imposes onerous obligations *noblesse oblige*, and they are both moral and amoral.

Press to Educate

10. It is farthest from our mind to give offence to, or disparage the role of the English language press. In promoting prohibition, the press can play a great part. It can persuade, educate and bring home to the faltering, the risk and dangers of addiction to alcohol. It can voice, reform and publicise the fatal consequences of the lethal beverage. No one can deny or question regimentation of press regarding any matter admitting of a possible difference of views. Even the press opposed to prohibition should be able to highlight the evils of drink. It can do so through factual data, views of health and medical experts and psychiatrists. It can contribute a lot to better living and freedom from addiction. As the mass media of education and instruction, it can dispel considerable ignorance regarding alcohol caused devastation. The dissemination of right knowledge on the part of the newspapers of the country will be of immense benefit. From the news-value point of view, alcoholic ravages, whether on the road, in the divorce courts or elsewhere, can be informative and instructive. A newspaper campaign against drinking drivers can reduce accidents. We feel that a keen and vigilant press, alive to its great role, can help towards the attainment of the Directive Principle as much as any decision of Government or the enforcement of law. It can censor lax enforcement and bring to light several weaknesses, including corruption. We feel that if the press could be persuaded to pull its weight on the side of sobriety, it could materially reduce inebriety.

CHAPTER XXXV

PROHIBITION THROUGH MASS EDUCATION AND PUBLICITY

Education is corner-stone of social reform

1. The corner-stone of any social reform is a deep-rooted belief in its efficacy. This essentially is a problem of education. The cause of prohibition rests on many planks—logic, morality, religion, health and individual and collective well-being. Contributions can be made by ministers of religion, social reformers, educationists, psychiatrists, and by men from the medical and legal professions. If what is enjoined by religion, is endorsed by medical science, confirmed by logic, its benefits demonstrated by experience and its infringement enforced by law, its stability stands to reason and its infraction becomes well circumscribed.

Intensification after Reorganisation

2. Nasha Bandi Mandals and other voluntary organisations in different States have done commendable work. But in view of the magnitude of the far-flung problem, we consider that their activities need intensification after thorough reorganisation. At all levels of society, intensive work has to be done and the evils on drinking have to be brought home to the people in every nook and corner of the country. Information based on factual data, after careful processing, is likely to carry a deeper appeal than persuasion on an emotional, moral or religious plane. The educational programme has to be adapted to the particular aptitudes of the people to whom it is addressed after taking into account the standard of intelligence, social environment, age, sex, likes and dislikes, proclivities, even prejudices, etc.

Educational Efforts in America

3. Some idea can be formed of the inadequacy of the official and non-official work done so far in India by comparison with the attempts made elsewhere.

When the Anti-Saloon League organised its campaign in 1893 it had during the next two decades published more than 2,000,000 books, 115,000,000 leaflets and 157,000,000 copies of weekly and monthly magazines. The press of the Anti-Saloon League was spinning with vast literature and its message was carried to the remote corners of the country and every occasion was seized which might help the cause. It was this work more than any other which paved the way for total prohibition five years later.

Educational Efforts in Poland

4. In Poland, the National Committee against Alcoholism, has set up an example which is worthy of emulation by others, and particularly by us. In 1961, this National Committee of Poland arranged for 14,000 lectures, produced 200 exhibitions which were viewed by more than a

million people, organised 250 cultural events, distributed two million copies of leaflets and 200,000 posters against the evils of drinking and provided material for ten movies which were distributed to all the cinema-houses of the State besides giving material to be used on the radio. The campaign was organised in a manner so that all forces of society would appeal to the intellect and not to the emotion in an attempt to combat the evil effect of alcohol on society. These campaigns are organised with a view to discourage drinking, to eliminate advertising, to emphasise the value of abstinence, to combat false beliefs about alcoholic drinks and to reject the impression that a person under the influence of drink is a "Jolly Fellow". In short, they aim at changing the entire attitude of society and creating a strong public opinion against intoxicating beverages. No campaign of similar magnitude has been launched either in Europe or in America. Poland is a very small country as compared to India and yet the Indian effort is insignificant by comparison. No doubt we can learn a great deal from the Polish example as to what we should do in order to translate the Directive Principle into conduct and action.

5. The medical students of the University of Lublin (Poland) have taken up the matter and have organised among all University students a practical programme. The medical students decided that they did not want to drink and that they would like to carry information about alcohol to every one whom they could reach. The 1,200 students formed an organisation. Their teams started travelling from village to village teaching facts about alcohol. They chartered a bus which they called "The Happy Bus" in which they took their appeal to the rural areas. They are aiming at providing a society in which alcoholic drinks would not be found. Exhibitions and film shows are arranged, discussions are held and their approach is: "If you want to drink, it's all right but these are the results". In other major cities of Poland, medical students have launched the campaign spontaneously. It is felt that the enthusiasm of youth will inspire all to greater efforts to combat the evil.

Educational Efforts in France

6. The recent rethinking in France which is believed to have the highest rate of alcoholism in the world, is not without interest. France, since centuries, has been proud of her vintage products. Not only the French people have been drinking wine for centuries but their products have been exported to most countries on the globe. But recently on account of the ascending graph of alcoholism, the Government of France as also the people, have taken up an intensive programme against alcoholism. A programme of education and information using every means of propaganda, with a view to influence all classes of society has been taken up. A nation-wide poll has indicated that in the view of 70 per cent of the French people, alcoholism is a serious social evil in France. The majority of the French people feel that wine-making is an obsolete privilege which should be taken away. Large French restaurants print on their menus "Health and Sobriety". Famous liquor producers like Perneau, are now producing fruit juices. The French Parliament has ended home distillation with effect from July, 1961. It has been noticed that for five consecutive years, there has been a decline in the consumption of alcoholic beverages in that country. The educational campaign has contributed to this decline. France is believed among the Western countries to be the only one where the statistics show decrease of consumption of

alcoholic drinks. France has today more stringent laws against advertising of alcoholic beverages. These, for example cannot be advertised in sport stadia. There are strict regulations forbidding the serving of alcoholic beverages in the vicinity of any place where youth habitually gathers "If this kind of programme can be achieved in France, the home of viniculture, it probably can be achieved anywhere, if it is undertaken with a will and with intelligence".*

Appalling Apathy of Public

7. Any evil will be victorious so long as the attitude of the good people is not of opposition but of unconcern. Evil has a smooth passage when these good people decide to do nothing. The easy-going approach of blasé listlessness that has been manifested by the public in general, is responsible in a sense for the spread of drink. If resistance were to be offered and the evil effects of inebriety were to be exposed, liquor would have a rough passage and would not receive ready acceptance, far less a social status. The first step in meeting the onslaught of drinking is by shaking the public out of its appalling apathy. There is noticed a defeatist attitude even on the part of the abstainers who in a pessimistic mood feel that drinking habit cannot be overcome. This attitude of listless inertia makes the reformer's work rather uphill.

Law needs public backing

8. Law has its own limitations. In order to be effective, it must have close behind it a warm, living, public opinion. Laws are enforced best when they are the embodiment of the sentiment of the people and have right for their foundation. Law by itself cannot rehabilitate; and it is not always easy to cure people of their drinking habits by sentencing them to terms of imprisonment or by imposition of fines. Jails and fines may restrain or deter, but do not necessarily cure. A law stands a better chance of obedience when its enforcement is reasonably certain. The effectiveness of law depends upon the attitude of the public and that, in the ultimate analysis, is a problem of education.

Penal and Educational Approaches

9. One distinction between penal approach and educational approach is that the former interests itself in the past and the latter in the future. Law of crimes punishes past deeds which have contravened the provisions of law. Education starts with a clean slate and tries to enlighten the hitherto ignorant or those who are insufficiently informed. Whereas law has an important function assigned to it, the work of education which is basic, can hardly be said to have commenced.

Nation-wide Effort

10. Strong laws, vigorous enforcement, stiff penalties do produce results and deter the violators. They contribute to repairing the damage but only to a restricted extent. Legal correctives do not solve all the problems arising out of society's ills. They relieve but do not remedy. What is more effective is a vigilant determined public, alive to the dangers of inebriety, fully conscious of the imperative necessity of eradicating it and

*Listen', Jan-Feb. 1963, Volume, XVI No. 1, p. 32.

impervious to alcohol propaganda howsoever sinister or alluring. Enlightened education will lead to better law enforcement and strong public opinion will keep indifferent and apathetic administration on the *qui vive*. It has to be a nation-wide effort, the corner-stone of which is a nation-wide programme of education.

11. It is a social reform of such a magnitude that legal action and punitive measures alone cannot succeed. The observation of Mahatma Gandhi in this respect may also be quoted: "Prohibition means a type of adult education of the nation and not merely a closing down of grog shops." Its success will very much depend on the steps taken for preventive measures by mobilising public opinion in its favour. The social problem that it is, social education is of paramount importance and the rousing of the public consciousness is the first necessity.

Liquor Lobbyists are Active

12. The liquor lobbyists are influencing the legislators. The liquor interests have captured the press, a substantial section of which is antagonistic to prohibition and its columns pour ridicule and its cartoonists are caricaturing it. The dries are being lampooned and made a butt of. The assault of the newspapers and all other liquor lobbyists is persistent and unrelenting. Big money is wedded to the wet cause and the venal enforcement and supine administration are doing the work of sabotage and wrecking from within. All this calls for herculean efforts.

Approach to be scientific and not sanctimonious

13. Mere passing of laws will not do; they have to be enforced and enforcement depends upon the attitude of the majority of the people. In order to galvanise the people to a particular viewpoint or course of action, their minds have to be impregnated and imbued with a living faith in prohibition. This approach has to be scientific. For if it is rested on emotion or impulse of the moment, it is likely to effervesce and then evaporate. There must be objective collection of facts and scientific data, proper analysis and evaluation and then followed by logical deduction, all the time eschewing prejudice or prepossession which impairs impartial judgment. Facts must be distinguished from impressions or claims. Impressions can mislead and claims may be tall. But objective facts give real guidance. A pharisaical or sanctimonious approach injures the cause. The invocation of imprecations or maledictions stigmatises the person as a fanatic or a hypocrite. The dry cause is bound to be weakened by the execrations of the self-righteous. In order to succeed, it has to be founded on true facts and scientifically incontrovertible data. The exponent of the dry cause has merely to state unvarnished facts and they will do the rest.

Deployment of Artillery of Scientific Truths

14. We have devoted separate chapters on action of alcohol and what men of medicine think about the ravages of alcoholic beverages on the human system. Their observations can be tested and they have the weight and authority attached to scientific approach and observations. The medical profession in India, and, in particular, the general medical practitioners may undergo a sort of refresher course in order to requip themselves with

medical truths. The dregs whose approach is objective, will be better educators. The propagandist prohibitionist is prone to generate heat, whereas the medical scientists will shed light. What we need is more light than heat. Passions need not be aroused but ignorance has to be enlightened. The medical profession can illuminate by imparting the necessary education, as this will have the stamp of authority. The medical truths can then be disseminated to every class of people and they can be forewarned of the consequences of indulgence in inebriety. The help of the medical profession should be sought in the preparation of a course of instructions. Those who have abandoned themselves to the bottle may not be rehabilitated, but the impact of medical education on those who are on the brink of the precipice or on those whose wills have not been weakened by indulgence can take timely heed and can be saved. It is the artillery of scientific truths which has to be trained and used to secure victory for the dry cause. False propaganda and half-truths usually indulged in by the apologists of Bacchus need persistent exposure. The effect of alcohol on the brain and body should be the major plank in an educational programme which has to be carried to the home, the school, clubs, at all levels and at all ages.

Emphasise Objective Truths

15. The forensic science can tell of alcohol-caused delinquency and reveal the hand of liquor behind most crimes. These are again demonstrable truths. The facts can be gathered, analysed and the truth gleaned. The depredation of alcohol on health—physical, mental, moral and social,—are again ascertainable objective truths, which can stand scrutiny of the sceptic and the incredulous.

Alcohol-caused Ravages to be Focussed

16. Education can also be imparted upon the effect of alcoholic indulgence on industry involving absenteeism, accidents, loss in wages and in output. These are again knowable truths. Pauperism, domestic infelicity, neglected children, juvenile delinquency, unhappy homes, divorces, promiscuity, disease and other anti-social and debilitating alcohol-caused manifestations are ascertainable truths on which the attention of the society can be focussed. Alcohol's death-dealing role on the road can again figure as a discoverable truth. The newspapers could everyday bring home to the readers by pictures and otherwise, the alcohol-caused carnage. Dissemination of knowledge and bold statements of the actual happenings is ordinarily enough without the need of elaboration or argumentation as these are self-evident truths.

The Religious Therapy

17. The second is the moral, ethical or religious aspect of the social education. The sophisticated are likely to scoff at it but they are only in a minority. For the majority, religion and morals have an appeal and they have a clear perception of right and wrong. There is no religion which has blessed the bottle. Prohibition can serve as a common platform for all religious denominations. Inebriety will react favourably to religious therapy. The founders of all religions, the saints and the savants in all ages, have reprobated the use of alcoholic drinks. Their injunctions and sayings can be collected and can furnish an excellent basis for the religious minded to disabuse their minds of falsehoods and half-truths.

The Christian View

18. It is wrong to suggest that Christians do not stand squarely against the consumption of alcohol. The Biblical attitude can be gauged from over 175 warnings recorded in the Bible against drink, drinking and drunkenness. The following declarations admit of no equivocation:

"Wine is a mocker, strong drink is raging; and whosoever is deceived thereby is not wise. Proverbs 20:1.

"Who hath woe, who hath sorrow? who hath contentions? who hath babbling? who hath wounds without cause? who hath redness of eyes? They that tarry long at the wine; they that go to seek mixed wine. Look not thou upon the wine when it is red, when it giveth his colour in the cup, when it moveth itself aright. At the last it biteth like a serpent, and stingeth like an adder. Proverbs 23:29:32.

"...It is not for kings to drink wine; nor for princes strong drink: Lest they drink, and forget the law, and pervert the judgment of any of the afflicted. Proverbs 31:4,5.

"Woe unto him that giveth his neighbour drink, that putteth thy bottle to him, and maketh him drunken also....Habakkuk, 2:15.

"Know ye not that...not drunkards...shall inherit the kingdom of God?" Corinthians, 6:9, 10.

"Know ye not that ye are the temple of God, and that the Spirit of God dwelleth in you? If any man defile the temple of God, him shall God destroy; for the temple of God is holy which temple ye are." 1 Corinthians, 3:16, 17.*

Jesus Christ, who refused to drink alcohol even to relieve the agony of the Cross, could not have recommended drinking.

In A.D. 195, St. Clement, of Alexandria, said:

"I praise and admire those who have chosen an austere life and who only take water as a preserver of moderation and see wine like a threatening fire."

St. Jerome, writing in A.D. 384, said:

"This is my chief advice to you—Fly wine like poison. This is the first weapon of the Devil against youth".

Cardinal Manning (1808—92), who was a passionate crusader against intemperance, said:

"I have learnt some lessons, and the first thing is this: The chief bar to the working of the Holy Spirit of God in the souls of men and women is intoxicating drink. I know no antagonist to that Holy Spirit more direct, more subtle, more stealthy more ubiquitous, than intoxicating drink".

*Alert, Volume VI, No. 2, pp. 12-13.

Pope Pius XII in 1956, said:

“Our anxiety indeed goes beyond Ireland. In more than one country intemperance in drink has become today a harrowing menace, and an actual spiritual tragedy for thousands of souls redeemed by the passion and death of Jesus Christ. Who will number the homes broken by this sin? We bless those who by word and especially example set themselves to remove the cause of the evil”.*

The Teachings of Islam

19. Prophet Mohammed declared: “There is a devil in every berry of grape”. The Prophet forbade all use of alcoholic beverages to his followers. How Hinduism, including Buddhism, viewed drinking has been mentioned in a separate chapter.** There is also a brief mention of the repugnance to indulgence in spirits in Babylon, China, Carthage and Greece, and odium attached to it in Rome by Seneca, Cicero and Pliny. Religious therapy as a part of educational programme is well worth trying.

Sayings of Famous Men

20. In this country, great value is attached to the sayings of great men. Their sayings can be collected and can form the basis of education. A few illustrations will not be without interest. The educators will be well advised to collect such saying as they are bound to appeal to almost every body.

Dr. Adam Clark

In the bottle, discontent seeks for comfort; cowardice for courage; bashfulness for confidence; sadness for joy; and all find ruin.

Sir Andrew Clark

As I looked at the hospital wards today and saw that seven out of ten owed their diseases to alcohol, I could but lament that the teaching about this question was not more direct, more decisive, more home-thrusting than ever it had been. Can I say to you any words stronger than these? It is when I myself think of all this that I am disposed to give up everything and to go forth upon a Holy Crusade, preachig to all men.

Thomas Edison

Thomas Edison, the great inventor had a firm faith in a saloon-less country and an alcohol-freed world.

Chaucer

Character and shame depart when wine comes in.

Henry Ford

Alcohol and gasoline will not mix.

*Listen—Volume XVI, No. 6, Nov.-Dec. 1963, p. 22.

**Chapter IV.

Mahatma Gandhi

If I ever have an opportunity to rule India, in my first half hour I will close up all the toddy shops without compensation.

And I am much more against cigar and cigarettes than against drink. But do not make the mistake that between drink and tobacco, drink is a lesser evil. No. If cigarette is Beelzebub, then drink is Satan.

I hold drink to be more damnable than thieving and perhaps even prostitution. Is it not often the parent to both? I ask you to join the country in sweeping out of existence the drink revenue and abolishing the liquor shops.

Let me, therefore, re-declare my faith in undiluted prohibition before I land myself in deeper water. If I was appointed dictator for one hour for all India, the first thing I would do would be to close without compensation all the liquor shops, destroy all the toddy palms such as I know them in Gujarat, compel factory owners to produce humane conditions for their workmen and open refreshment and recreation rooms where these workmen would get innocent drinks and equally innocent amusements. I would close down the factories if the owners pleaded for want of funds.

White Geary

Prohibition is the greatest and most salutary law ever enacted by any nation.

Cardinal Gibbons

The great curse of the labouring man is intemperance. It has brought more desolation to the wage earner than strikes or war or sickness or death. It is a more unrelenting tyrant than the grasping monopolist. It has caused little children to be hungry and cold, to grow up among evil associations, to be reared without the knowledge of God. It has broken up more homes and wrecked more lives than any other cause on the face of the earth.

Gladstone

It is the province of Government to make it easy for men to do right and difficult for them to go wrong. In determining what is right and what is wrong, public welfare is the supreme law.

Grant

Give me the sober man, the absolute teetotaler every time. He is dependable. If I had the greatest appointive powers in the country, no man would get even the smallest appointment from me unless he showed proof of his absolute teetotalism. If I could, by offering my body as sacrifice, I'd thank the Almighty for the privilege of doing it.

Khrushchev

Drunks should be 'kicked out of the party', not moved from one responsible post to another.

Abraham Lincoln

Whereas the use of intoxicating liquor as a beverage is productive of pauperism, degradation and crime, and believing it is our duty to discourage that which produces more evil than good, we, therefore, pledge ourselves to abstain from the use of intoxicating liquor as a beverage.

The use of alcohol beverages has any defenders but no defence. Lincoln in his famous Washington's birthday address said:

"Whether or not the world would be vastly benefited by a total and final banishment from it of all intoxicating drinks seems to me not now an open question. Three-fourths of mankind confess the affirmative with their lips, and I believe all the rest acknowledge it in their hearts".

Arthur Milton

Soon as the potion works their human countenance Th' express resemblance of the gods, is changed into some brutish form of wolf or bear.

Nasser

The world has suffered from certain destructive evils which have preyed on certain individuals in the world, gained the mastery over their normally stable natures, and caused them to be undesirable, abnormal characters, so that their presence has become the greatest danger to society.

Nehru

As I have stated before, in considering prohibition, the financial aspect is not important. A good thing has to be done even at a cost.

Not only does the health of a nation suffer from this (alcoholism), but there is a tendency to increase conflicts both in the national and the international sphere.

I must say that I do not agree with the statement that is sometimes made—even by our ambassadors—that drinks attract people to parties and if there are no drinks served people will not come. I have quite frankly told them that if people are only attracted by drinks, you had better keep away such people from our missions. . . . I do not believe in this kind of diplomacy which depends on drinking. And, if we have to indulge in that kind of diplomacy, others have had more training in it and are likely to win.

Pope

Drink drags down numberless souls to perdition.

Pythagoras

Drunkenness is an expression indential with ruin.

G. B. Shaw

If a natural choice between drunkenness and sobriety were possible, I would leave the people free to choose. But when I see an enormous capitalistic organisation pushing drink under people's noses at every corner and pocketing the price while leaving me and others to pay the colossal damages, then I am prepared to smash that organisation and make it as easy for a poor man to stay sober, if he wants to, as it is for his dog.

Alcohol robs you of that last inch of efficiency that makes the difference between first-rate and second-rate.

I don't drink beer—first, because I don't like it; and second, because my profession is one that obliges me to keep in critical training, and beer is fatal both to training and to criticism.

Only teetotallers can produce the best and sanest of which they are capable.

Drinking is the chloroform that enables the poor to endure the painful operation of living.

It is in the last degree disgraceful that a man cannot provide his own genuine courage and high spirits without drink.

I should be utterly ashamed if my soul had shrivelled up to such an extent that I had to go out and drink a whiskey.

He is temperate, modest and wise (said about Christ).

P. E. Selby

Abstinence is the only absolute preventive of all drinking evils, including alcoholism, an absolute guarantee of the personal freedom resulting from the alcohol free way of life, an insurance against drink-caused broken homes and juvenile delinquency, an insurance of the longer life expectancy, a basic principle of a genuine life. Abstinence promotes real self-confidence and rest, good health and freedom of body, mind and soul, good character, thoughts, words and deeds, the building of better homes, a better society, and a better nation, respect of family and friends.

Abstinence prevents—

the dangerous psychological effects that lead to continued drinking;

all misery, crime and harm resulting from drinking;

economic loss brought on by drinking, loss of will-power and competence endangered by drinking;

anyone who is allergic to alcohol from becoming an alcoholic.

Xenophon

Temperance means, first, moderation in healthful indulgence, and, secondly, abstinence from things dangerous, as the use of intoxicating wines.

Great Sportsmen's Views

21. Great sportsmen of the world are another type of heroes to the youth and their success in sport and self-discipline by total abstinence is bound to strike their imagination. The educators, particularly those in charge of physical education, can usefully impress the teenagers with their lives and views. A few examples are given by way of a sample.

Don Bradman (Cricket)

A total abstainer has an advantage over a man who drinks alcoholic liquor in a contest of physical endurance. Leave drink alone. Abstinence is the thing—that is what made me.

Jack Hobbs (Cricket)

The greatest enemy to success on the cricket field is the drinking habit.

Lanzi said about Consolini, a world-renowned discus thrower:

“He adheres strictly to the principle of abstaining from alcohol and tobacco”

Lindrum, Walter (Billiards)

In my profession, to become a great player, you must be a strict abstainer.

T. C. Lovedock (Athlete)

I am convinced that total abstinence is necessary for keeping oneself fit, mentally and physically.

V. M. Merchant (Cricket)

I am a complete teetotaler and have never tasted alcohol.

Bobby Morrow (Athlete)

I don't see how any individual, especially an athlete, can indulge in drinking and smoking, and still be in his top condition. I personally hate the smell and taste of alcohol and tobacco.

Hubert Opperman (Cycling)

The use of alcohol is absolutely fatal to athletic success.

Fred Perry (Tennis)

Frankly, I am not interested in drinking. The continued refusal to drink has the effect of strengthening one's will-power and determination, two very necessary qualifications for tennis. I was brought up a teetotaler, and so I have remained.

Rev. Bob Richards (The vaulting vicar)

Every great athlete has to live a good, clean life—most of the ones I know never drink or smoke. Some years ago I gave free reasons for success in athletics. I'll give them again. Here they are

1. Live clean.
2. Work hard.

3. Have faith in what you can do.
4. Do not give up.
5. Take God with you in all you do, for He gives power and strength to do your best.

Dorothy Round (Tennis)

I am a total abstainer, and consider it would be beneficial for all athletes to avoid alcoholic drinks.

Arati Saha (Swimmer)

Athletes must keep themselves in top physical condition the year round in order to be able to do their best in their chosen form of sport. Therefore, the weakening habits of smoking and drinking must be rigidly renounced. To young people who wish to achieve success in games, I would like to say: Don't ever smoke tobacco or drink alcoholic beverages.

Sirickland Shirley (Athlete)

I dislike smoking and drinking as a woman and as an athlete. Alcohol affects the blood and the nervous system, and if a runner uses it he must lose tone. I believe in Christian principles and feel that they are necessary in training for real sportsmanship.

Norkay Tensing (Mountaineer)

Tensing has given up drinking and smoking for good to keep himself fit for other mountain top experiences.

Ernest Tyldsley (Tennis)

It is quite correct that I am a teetotaler and I never wish to be anything different.

Hedley Verity (Cricket)

Strong drink will not help you play any game successfully. The best way is to cut it out altogether.

Helen Willis-Moody (Tennis)

The precision that tennis demands makes necessary total abstinence—even from beer.

W. M. Woodful (Cricket)

To my mind, no man needs intoxicating drinks, and no man for long has tampered with them without becoming weakened. I have never taken strong drink and I attribute my success largely to that fact.

The Sadhu Samaj

22. The Bharat Sadhu Samaj in India has been organised lately. The Team met their representatives in Hardwar and gathered the impression that they were willing to take interest in the cause of prohibition regardless of their denominations. We feel that if Sadhu Samaj were to take keen interest in prohibition, their high status in the religious fraternities and the respect in which they are held in all sections of the community, will

go a long way in spreading prohibition. The religious bodies in general and the Sadhu Samaj in particular have a role in the treatment of inebriety so long as there are men who have faith and belief in religious efficacy and Godliness. Happily, prohibition is a matter free from schisms and there are hardly any denominational differences. This is a matter which can be brought up for discussion on a common platform. Prohibition is likely to refresh or activate people's faith and a clean life free from temptations is a subject matter which is relevant for discussion and preaching by the Sadhu Samaj to their respective folds. The religious sentiment wherever it is strong, more so, in this country—can move the masses. It certainly will be a purifying movement and its effect will be felt by a large section of the community. The influence of Sadhu Samaj will not only prevent people from crossing over to the wet boundary but it will also help in reclaiming the wets. The appeals of Sadhu Samaj and all religious bodies can help in sobering up those who have abandoned themselves to drink and are realising the evil effects. Even if the success, at the initial stage, is limited, the reformation of even a few will have a salutary effect on the individuals concerned, their families and their neighbours, and probably on the other inebriates. If the Sadhu Samaj can take up the cause, the movement will gather momentum and will derive strength, from every individual act of reclamation and reform. The temperance crusade spear-headed by Sadhu Samaj will be productive of the hoped for results and are likely to create a requisite climate for shaping the attitude of the community.

Some Basic Principles

23. The educators have to study various impacts of alcohol on the individual and the society. The basic philosophy may be brought home through education bearing in mind the following principles, which are merely illustrative:

- (i) The natural healthy "way of life" is non-alcoholic; the gainer of happiness and of release from unhappiness is by natural means: play, recreation, music, work, a variety of activities and the emotional and social thrills that accompany such expression of growth in personality and in living together as social beings.
- (ii) The "way of life" in which beverage alcohol plays a part is not one of normal healthy satisfaction of human needs. It offers pleasure—often keen, thrilling, exciting, but pleasure that is short-lived and often followed by a "hang-over" in personal experience and society; a tendency towards slump in personality, mental efficiency and social conduct. The pleasure it offers is a path of illusion; the relief it gives is largely one of delusion, since alcohol can do little to remove any real cause of unhappiness.
- (iii) The intelligent sections of society discard the use of alcohol for sociability enhancing fellowship, adding to gaiety and serving a ceremonial function. It is only in the case of the unthinking and the imitative that alcohol has become a cultural element.
- (iv) Alcohol as an industry rests for its profits upon the extent to which it succeeds in brain confusing and in exploiting human fears, inferiorities and weaknesses.

- (v) The industry thrives and governmental revenues increase by trying to make every non-drinker into a drinker; every casual drinker into a regular drinker; and every regular drinker into a heavy drinker. The liquor business in tempting people to seek release from life's frustrations, create an illusion at the cost of vice crime, ill-health and mental disorders. This is certainly the attitude, if not the profession, of the wet States.
- (vi) Certain sections in the society hold the view that in moderation alcohol gives relief, but it is little realised that those who indulge in excess when they started drinking were doing so in moderation. A drink which is liable to deprive a man of his senses cannot be taken in moderation because moderation recedes as alcohol breaks the barriers. Alcohol lulls to sleep the ability to judge when the limit is exceeded and it dulls the power to discriminate.
- (vii) The alcoholic anaesthesia which is resorted to as an escape from stresses gives only a temporary release but at a terrible cost.
- (viii) There is a significant association between serious crimes of aggravated assault, rape and murder. According to Marshall B. Clinard: "approximately 10 per cent of all offenders who committed homicide violently, had been drinking prior to the crime...." Alcohol is resorted to by the offenders in order to prime themselves as a preparatory aid to serious crime.
- (ix) Use of alcoholic beverages is costing the industries large sums in absenteeism, in efficiency and accidents.
- (x) In the early stages of inebriety, sexual offences are more likely to be committed because in the later stages, there is a desire without the capacity of performance.
- (xi) Alcohol has a distinct effect on the sexual emotions of many persons and under its influence an ordinarily moral individual may plunge into sexual excesses which are foreign to his nature.
- (xii) Liquor is erroneously associated with masculinity and sexual prowess. It increases the desire by lowering the inhibitions but decreases the ability at performance. In the words of Shakespeare:
 'it provokes the desire, but it takes away the performance'.¹
- (xiii) More than malicious criticism, it is the lethargy and inertia and want of a sense of civic responsibility which helps the vice. Public opinion, which is likened to a sleeping giant, has to be continuously on the *qui vive* lest organised crime and corrupt law enforcement, the twin menaces, have an upper hand. There have been too many cycles of feverish activity and stupor, reform and lapse, moralist denunciation and the police connivance, repressive laws and lax enforcement. Organised crime can be held in check by vigilant public opinion. The pressure has to be constantly maintained; otherwise, commer-

¹Macbeth, Act II: Scene 1.

cial vice, corruption and racketeering will keep on raising its head. A critical enlightened public opinion is a better watchdog than the dead-letter laws on the statute book.

It is for the educationists, for the leaders of public opinion, for the social and religious heads, for politicians, for social workers, for educational institutions, to maintain proper pressure to see that evil does not triumph. In this matter, the surest foundations are laid in the home and the school. Alcohol education has also to be imparted outside the home and the school to people of all ages and representing every cross-section of society. More than anything else, salvation may lie in education. It is the educational process which has to be kept up and once the educational programme is on a sound basis, enforcement of law will present less difficulty.

Scores of Alcohol caused problems

24. Public education on alcohol and alcoholism, on alcoholic drinks, drinking and drunkenness, is imperative. There are scores of alcohol-caused problems on which people have to be educated relating, among other things to, physiological effects, nutrition, heredity, aggression, crime, health, economics, pauperism, traffic efficiency, ethics, self-restraint and self-indulgence, accidents and disease, emotional instability, educational deficiency, physical debility, domestic infelicity or disintegration of the homes, increased divorces, juvenile delinquency, venereal disease, illegitimate births, sexual promiscuity and every known form of human misery, which have to be carefully studied and convincingly brought home to every human being. It is essentially the problem of education which, if adequately solved, will determine the public attitude towards drink and the laws which restrain it. When the facts are collated and information is scientifically sorted and psychologically grievously propagated, it will grievously damage the case for alcohol.

Educational campaign to be kept up

25. The educationists must realise that the thirst for drink can best be controlled through healthy sentiment, logical thinking, discriminating judgment, education, home-training, religious influence, and above all, the exercise of moral and social suasion on the will of the people. Where these influences are lacking, drinking cannot be ascribed as the fault of prohibition. Prohibition outlaws the manufacture and sale of liquor. An educational campaign in these respects must be kept up. The pulpits have been neglected because of the fond faith in the efficacy of the laws. A number of people unwisely expect that the mere enactment of laws is enough to achieve results. There is substance in the moral and educational effort. Education has not even started its work with the result that prohibition has not been fairly tried.

Prohibition not given Fair Trial

26. Despite the fact that prohibition is enshrined in the Constitution as a Directive Principle, no serious or substantial steps of sufficient intensity or extent have been taken which could be proportionate to or in consonance with the magnitude of the problem. So far not even lip service has

been given to education on alcohol or alcoholism whereas, misleading propaganda is receiving wide publicity and people have started accepting half-truths which are being broadcast by liquor interests. The idea has been spread that prohibition cannot succeed and is doomed to failure. The truth of the matter is that it has not been given a fair trial. The hostile forces are endeavouring to stifle it almost from the date of its birth and those who believe in prohibition can hardly be said to have raised their little finger in support of it.

Teachers' qualification

27. Great care has to be taken in the selection of the teacher, who must be a person thoroughly infused with faith in what he is required to do. He must be a person who should also be able to teach by example, and his own life should demonstrate in practice what he teaches. It is a warm vibrant enthusiastic approach of a believer which has the best appeal. The best results are produced not merely by the right kind of education but also by the right kind of teacher.

His role

28. Through education, the teacher has an opportunity which he must not miss of changing public opinion and among the pupils there are the pupils of all ages and every mode of influencing opinion can be utilised for imparting the requisite knowledge. Even tiny tots when properly taught can revolutionise homes. Education can bring about a complete transformation in the outlook of the new generation.

Symptoms of hangover

29. Imparting of knowledge about facts and consequences is essential. Once a picture of the hang-over is truthfully depicted, those who have not yet fallen victims to drinking may be able to avoid it. The hang-over symptoms which are well-known, are to be explained either from objective observance or from the experience of medical attendants on alcoholics. The well-known symptoms are headache, loss of appetite, irritable stomach with vomiting, fatigue, tremors, jitters or shake. Sometimes they shake so much that they cannot get the drink to their mouth. They become irascible, irritable and hard to get along with. Hyper-irritability of the nervous system is symptomised by giddiness, heart-burn, coated tongue, palpitation of the heart and sleeplessness. The hang-over is a gift of alcoholic beverages consumed the night before and on the morning after they disable a person from putting in his best effort often incapacitating him from doing his usual work for days to follow.

Refutation of False Arguments

(i) Moderation

30. Equally imperative is the counteracting of the specious pleas advanced in a naive manner but with a purpose and design. These false arguments are usually swallowed by the gullible. Most people are aware of the ill-effects of alcohol but they nevertheless are taken in by questionable logic of the liquor agents counselling moderation or even temperance. This means that people may drink but not in excess. The credulous realise little that like the proverbial story of the camel, once

alcoholic beverage is encouraged in moderation, it will make room for itself and soon make an alcoholic of the moderate drinker.

ii. *Revenue earner*

Another argument generally encountered is on the patriotic front. It is advanced not only by the alcoholic interests but very often by responsible people in wet states, that, 'the Government needs money and alcoholic beverages are productive of a huge amount of revenue which is exacted in a painless manner'. The liquor interests do not like to tell that in order to pay the requisite revenue, the ultimate consumer must be out of pocket by several times the amount forming the tax.

iii. *Age-old Habit*

A third argument is that an age-old habit born almost with human culture cannot be shaken off. There are many vices which were born with human culture, e.g. slavery, but in the light of experience they have been eschewed by humanity.

iv. *Prohibition produces Crime*

Yet another argument is that prohibition breeds crime. This is at best a misleading half-truth. If one abolishes rules regulatory of anti-social conduct, there will be no crime and, therefore, no criminals. It cannot, therefore, be contended that it is the penal code or other criminal laws which breed crime. Before the motor car era, there could be no motor traffic offences. It is puerile to contend that motor car is the cause of crime. If according to the social conscience of the people, manufacture, sale, transportation, etc. of liquor has to be put under restraint in the interest of the people, those who are disposed to violate such restraints have to be proceeded against for the contravention of the statutory measures.

Why Crime?

31. Prohibition does not give impetus to crime. Crime flourishes because of two factors: the likelihood of making easy money and the laxity of enforcement. Every offence which goes unpunished breeds more offences. Liquor laws are being violated by reason of personal factors which have been considered in detail elsewhere in the Report, the main cause being apathy of the people, venality of the enforcement, the dormant social conscience, the influence of liquor interests in the political lobbies and in the press. The criminal elements in society are finding it more profitable and less risky to engage themselves in running a liquor racket than in committing thefts, robberies, forgeries and other offences which are expected to bring wealth. The wealthy anti-social elements have been resorting to smuggling of gold, adulteration of food stuffs, trafficking in narcotics, and drugs and engaging themselves in gambling and in the infamous social vice. With what seriousness can it be urged that the regulatory and punitive measures are responsible for the growth of these crimes? There are certain human urges which are very strong and which have to be resisted, for otherwise they have to be satisfied by the violation of the laws. A civilised community cannot admit defeat and permit unrestrained and unregulated indulgence in certain human urges or impulses.

The process of education, dissemination of knowledge as to their evil consequences, a religious background which counsels self-denial, self-restraint, social pressures bearing down upon self-indulgence and where need be, penal laws, have singly and unitedly met the challenge. What is baffling is that the challenge is from sources for which one expects support and cooperation. If the press and politicians could desist from playing into the hands of the liquor interests, the problem would become manageable without serious difficulty.

Exposure of Fallacies by Every Media of Information

32. There are a number of other false and specious arguments which are being advanced in order to impress the credulous. Those who are going to take up the work of education have to take into account seemingly simple and apparently persuasive arguments. Their fallacies have to be exposed lest false doctrines and false logic captivate the mind. There must be growing awareness of the alcoholic danger through every media of information—audiovisual aids, cinema, still projectors, seminars, conferences, special periods in schools and colleges. Special programmes have to be devised for industrial areas, rural areas and also for adults. The magazines, the journals, the daily newspapers, the cinema and radio can make substantial contributions. Publicity has to be scientifically planned and literature, including tracts, pamphlets, brochures etc. in all languages should bring home to the people the growing awareness of alcoholic danger. The speaker's forums can also be organised and the prohibition theme should be reflected in cultural programmes, dramatic performances, poetical symposia and 'shivirs'. The social workers, properly organised, dedicated to the cause and who have had good training, can create a suitable atmosphere.

Women's Organisations

33. The best force which can do excellent work for prohibition is women folk. A few among the smart set may indulge in drinking and few may do so at the bottom level, but otherwise, women as such do not drink, not even among families where males use alcoholic beverages. They are usually the worst sufferers at the hands of their drinking male relatives and they also know through suffering the ruin that liquor brings to homes. They know that liquor is the worst enemy of their domestic happiness and that of their children. They also know by contrast the happiness and prosperity which comes to the families who never drink or do so no longer. Women's organisations can do very useful work. Prohibition in the United States of America was ushered in through the efforts of women's organisations. In this aspect, the potentialities of women's organisations can be greater. The programme of prohibition education is most suitable for being entrusted to women's organisations. There are in large towns women social workers who are doing laudable work, but their numbers is small and they are not properly trained and organised. Despite these difficulties and want of encouragement, they have to their credit really good achievements. There are women's organisations in the State of Gujarat who have created a new climate within the respective spheres of their influence and social work. Their efforts have to be intensified on a much larger scale, and in an organised manner and with the whole-hearted backing and cooperation of the Government. Women can spearhead this crusade as they have first-hand experience of broken homes, sorrow, despair

and human wreckage which is associated with liquor. Their work will be disinterested, sincere and full of enthusiasm. Because of the destructive influence of the liquor traffic upon their men-folk, they will most warmly respond to the call.

Women's Crusade

34. In America in 1873, an organisation known as the Women's Crusade, formed visitation committees and went to the liquor saloons and pleaded with the keepers to abandon their debauching traffic. The appeal to the liquor dealers which was sent throughout the country deserves reproduction.

"Knowing as you do, the fearful effects of intoxicating drinks, we, the women of Washington Court House, after earnest prayer and deliberation, have decided to appeal to you to desist from this ruinous traffic that our husbands and brothers and especially our sons, be no longer exposed to this terrible temptation, and that we may no longer see them led into those paths which go down to sin and bring both soul and body to destruction. We appeal to the better instincts of your hearts, in the name of desolate homes, blasted hopes, ruined lives, widowed hearts, for the honor of our community, for our happiness, for the good name of our town, in the name of God who will judge you and us, for the sake of your own souls which are to be saved or lost. We beg, we implore you to cleanse yourselves from this heinous sin, and place yourselves in the ranks of those who are striving to elevate and ennoble themselves and their fellow men. And to this we ask you to pledge yourselves."*

In 1884, Miss Frances E. Willard, the leader of the Women's Crusade Temperance Union made the following declaration at the Republican National Convention:

"I come on behalf of millions of women, good and true, but grieved and sorrowful, to ask that the guarantees and safeguards of law shall be stripped from the saloons of my country; that their tarnished gold shall no more pollute our treasury and that the land we love may at once and forever go out of partnership with the liquor traffic."**

The mothers can successfully indoctrinate the sons almost from their cradle. It was this spirit which in the days of Anti-Saloon League created "and almost revengeful hatred of the liquor traffic, a dogmatic and consecrated prejudice against organised wrong."***

Textbook Crusade

35. The women were pioneers also in the textbook crusade. The temperance textbooks were rewritten to include medical knowledge. Mrs. Hunt was for changing the teaching patterns of the nation. She circulated to all publishers of textbooks of hygiene and physiology a petition signed by leading prohibitionists requesting that all textbooks should teach that

*The Amazing Story of Repeal, by Dobyns, pp. 227-228.

**Ibid—p. 228.

***Prohibition: The Era of Excess by Andrew Sinclair, p. 44.

alcohol is a dangerous and seductive poison; that fermentation turns beer and wine and cider from a food into a poison; that a little liquor, created by its nature, the appetite for more; and that degradation and crimes result from alcohol. According to Mrs. Hunt, the textbooks on hygiene should contain at least one-quarter of temperance teaching and should be suited to the minds of children in each grade. Because of the influence of Women's Christian Temperance Union, the school boards in the country as also the publishers fell into line. Mrs. Hunt believed in a revolutionary crusade holding that 'childhood saved today from the saloon, and the nation thus saved tomorrow' is the stake played for in this desparate game.*

Lukewarm Attitude suicidal

36. The onslaught of the illicit liquor business despite the weaknesses of enforcement, the demoralisation of the media of mass communication, the rising antipathy of the influential press, the editorial slant, the appalling apathy of the public and the sneaking sympathy of the politician, has to be met and repelled. At the same time, half hearted and ineffectual measures can spell disaster. A relentless and ruthless exposure of the liquor evil pursued with vigour and determination is bound to be productive of good results. The states should adopt a uniform policy, cooperate with each other and allocate sufficient funds. A lukewarm attitude, a dilly dallying policy, an inactive and irresolute approach, will not only bring prohibition into ridicule but will make virtue a fugitive before vice.

*Prohibition: The Era of Excess by Andrew Sinclair, p. 64.



CHAPTER XXXVI

ROLE OF VOLUNTARY ORGANISATIONS

The role of voluntary organisations and individual social workers in creating public opinion in favour of Prohibition has been emphasised since 1956, when Prohibition was made an integral part of the Plan. The Shriman Narayan Committee in their report had pointed out that the prohibition programme is imperilled due to public apathy and it is at this point that the voluntary organisations should step in to give a definite lead to public opinion and put in sustained effort to ensure mass cooperation in Prohibition.

2. The Third Plan not only laid greater emphasis on educational work on Prohibition through voluntary organisations, but stressed the need for undertaking this programme on scientific lines, in a planned manner and on a continuous basis, because public opinion has not only to be created but its tempo has to be sustained.

Recommendations of the Third Plan

3. We endorse the recommendations made in the Third Plan in this regard. These have been reproduced below for ready reference. (Chapter XXXV, Paras 22 and 25, III Plan).

“22. Prohibition is essentially a social welfare movement. Its success as a voluntary movement for social reform depends on a number of conditions, in particular on—

- (1) its acceptance as public policy accompanied by concrete administrative steps to make the policy a reality;
- (2) support of a large section of public opinion and active participation on the part of leading voluntary organisations and large numbers of social workers;
- (3) finding practical solutions to problems such as employment and arranging for the utilisation and processing of products which would otherwise be used for the production of liquor; and
- (4) enabling State Governments to meet possible loss of revenue on account of the progress of prohibition.

“25. The question of the means to be employed and the agencies available is of special importance in a programme like prohibition. Obviously, if prohibition were to rest primarily on enforcement by the police and by excise staff, not much progress could be made. The main reliance has therefore to be on—

- (a) the creation of a growing public opinion in favour of prohibition conceived as a social welfare measure in the interest of the general mass of the people;

- (b) voluntary organisations, who should be given the necessary support and assistance by the Government in carrying on social and educational programmes;
- (c) implementation of various development programmes undertaken by government agencies in education, health, social welfare, etc. with due emphasis on the significance of prohibition; and
- (d) available in canteens of cheap and nutritious food and non-alcoholic beverages and encouragement of sports, and recreational activities on a group and community basis”.

Progress

4. Much progress has not been made on the lines suggested above, for the country as a whole though in some States like Maharashtra and Gujarat, commendable work has been done by the Maharashtra and Gujarat Nashabandi Mandals. Voluntary organisations like the Gandhi Smarak Nidhi, Sarva Seva Sangh and the Bharat Sevak Samaj are also doing useful work in some of the states though on a limited scale.

Recommendations of Central Prohibition Committee

5. The Central Prohibition Committee of the Government of India in its meeting held in 1961 recommended that all attempts should be made to coordinate the activities of the voluntary Social Welfare Organisations in this field and to give financial assistance to such organisations wherever necessary. The Committee further recommended that the State Governments should endeavour to associate voluntary agencies with the work of Prohibition. We support the recommendations of the Central Committee.

Committee on Educational Work on Prohibition

6. In pursuance of the recommendations of the Central Prohibition Committee, a sub-committee has been set up by the Ministry of Home Affairs to coordinate the programme of educational work on prohibition throughout the country. Besides the official representatives from the Planning Commission, State Governments and the Central Ministries Concerned, ten leading voluntary organisations are also represented on this sub-committee. These organisations are (i) All-India Sarva Seva Sangh, (ii) Gandhi Smarak Nidhi, (iii) Bharat Sevak Samaj, (iv) All-India Women's Conference, (v) Kasturba Gandhi Memorial Trust, (vi) Harijan Sevak Sangh, (vii) Adimjati Sevak Sangh, (viii) Ramakrishna Mission, (ix) Gurudeo Seva Mandal and (x) Bharat Sadhu Samaj. The All India Prohibition Council, which we have discussed in a subsequent paragraph is also represented on this Committee.

Nashabandi Lok Karya Kshetras

7. In pursuance of the recommendations of the above sub-committee, the Planning Commission have sanctioned a scheme of opening about 50 Nashabandi Lok Karya Kshetras (centres for educational work on prohibition) for carrying on this work in an intensive manner in different parts of the country. This was a good step in our view, but very little progress has been made. By the end of 1963-64 only 25 Kshetras had been started. To ensure that prohibition propaganda is really effective, it would be desirable to open a net work of Nashabandi Kshetras throughout the country. We suggest that there should be one such Kshetra in every district and in

important industrial projects and urban areas. Under the present scheme, the expenditure is shared between the Centre and the States in the ratio of 60:40, according to the pattern for all public cooperation schemes. As the slow progress in the implementation of the scheme has been mainly due to lack of interest on the part of the State Governments and their unwillingness to share 40 per cent of the expenditure, we will recommend that the Government may consider the possibility of opening at least 5 Kshetras in each State, directly from the Centre, to give an initial push to the programme.

All-India and State Coordinating Agencies

8. The other important step that we will recommend to activate the programme is that there should be effective non-official coordinating agencies at the Central, State and District levels. A beginning has been made in the formation of the All-India Prohibition Council at the Centre and the State Prohibition Councils in some of the States. But these agencies are not effective for want of resources and personnel. Steps may, therefore, be taken to open Prohibition Councils in all the States and their units at the District level. These Councils may be strengthened and given necessary financial assistance.

9. We understand that there are Lok Karya Committees having representatives of established voluntary organisations and non-official institutions, at the Central and State levels for coordinating the activities of voluntary organisations engaged in mobilising public cooperation in the welfare and development programmes. The Government may consider the possibility of associating All-India and State Prohibition Councils with these Lok Karya Committees as that will ensure a wider representation of voluntary organisations at the Prohibition Councils and provide secretariat and other assistance.

Training of workers

10. The weaning of addicts is a most difficult task. The workers of the Nashabandi Kshetras in particular, and voluntary organisations in general have to create a climate so as to wean addicts and keep away new entrants from the drinking habit. The success of the educational programme on prohibition will, therefore, depend on the workers who should have proper attitude of mind, devoted to the cause, and armed with full information on various aspects of Prohibition. They will have to be given training for carrying on their tasks effectively. The training should cover all aspects—economic, social, psychological and also the methods and techniques of approaching the people. The training should be such as would help the workers to acquire proper skill and sympathy to handle the addicts or new victims. The workers should acquire an attitude of mind through which the facts can be properly applied.

11. The Government of India have formulated a training scheme in the light of the experience gained at the All-India Training Camp organised at Bombay in 1962. The Planning Commission is setting up a Central Training and Research Institute on Public Cooperation and it has been proposed that training for Prohibition workers, in particular for instructors will be arranged at the Institute. Besides, the Institute will undertake research into the various aspects of prohibition and publication of suitable literature. This in our view is a step in the right direction. We recommend that this Institute should be developed as a national institution.

12. We have gone through the training scheme formulated by the Commission and support the broad outlines of the scheme. For ready reference, the salient points of the scheme are reproduced below:

The training will be problem oriented and may have to be divided in three parts:—

Nature and Content of Training

12.1 (a) *Theoretical training*: Lectures and group discussions.

(b) *Field training*: Visits to such places where either some useful work has been done by an official or non-official agencies or where some problem exists, e.g. visits to Sanskar Kendras, recreational centres, labour welfare centres, etc.

(c) *Practical training*: The trainees will work in Nashabandi Kshetras functioning in Delhi so that they know the actual problem confronted by the field workers and can acquire necessary knowledge and skill to resolve the same.

The period of training will be so organised as to set apart a few weeks specifically for each type of training. All the three types of training will be dovetailed into one another.

Categories of Workers

12.2 (a) *Whole-time workers*: These workers will be drawn from the Nashabandi Kshetras set up in different States.

(b) *Voluntary workers and officials*: The training for such persons will be arranged at the State level.

Duration of Training

12.3 For whole-time paid workers, the duration of training will be of two months and for part-time voluntary workers and other categories, it may be of 2-3 weeks.

Syllabus

12.4 The syllabus will be divided into a few main headings with a number of lectures on different topics. The headings may be:

(a) Economic and Financial aspects, (b) Moral and religious aspects, (c) Social aspect, (d) Psychological aspect, (e) Medical aspect, (f) Law and Enforcement, (g) Role of Social Workers including Women, (h) Visual aids—Educational aids, (i) Cultural and Recreational Programmes, (j) Opening of soft drink centres, (k) History of Temperance Movement in different countries, (l) Methods and Techniques of approach.

Finance for Training

12.5 The training will be financed out of funds earmarked for educational work on prohibition under public cooperation Programmes.

Non-Official agencies

13. The prohibition work on the non-official side requires intensive study, training co-ordination and systematised work according to a planned programme. It has to cover the entire country and in order to maintain the tempo at a sustained pressure, the net has to be cast wide. Such movements are prone to attract people who went to exploit them for the sake of personal aggrandisement, publicity and leadership. Even if a few undesirable elements enter the organisation, they are apt to give it a bad name. Let there be a few people, but those who are willing to take up social work should be those who, by faith and action, translate abstention from liquor into their own lives; they should be men of character, initiative, drive and imbued by a sense of service. Such men of integrity with experience and training in social work should be hand-picked.

Elective System to be avoided

14. We feel that it will be desirable if the elective system is eliminated and in the matter of selection, persons may be taken representing different interests, groups and social strata. If an unfortunate selection is made, it should be possible for the higher body to remove the undesirable people. In certain States, there are complaints that the members of the panchayats are associated and allied with the anti-social elements. It will not matter if there are not a large number of persons forthcoming to take up this work, but it is of considerable moment that those who are entrusted with social work are men whose sincerity and devotion is beyond question.

Women Workers and Students

15. There should be a separate wing of women prohibition workers at all levels. Wherever possible, they should be entrusted with more responsible work, as they have more leisure and greater sense of responsibility and more enthusiasm. Another class who should be entrusted with the work should be teen-agers and university students. As has been mentioned earlier, the medical student of a Polish University did very creditable work in the entire country.

16. The next question is the educative propaganda material, equipment and machinery. The Central and State Councils should on the advice of publicity experts, chalk out a programme and produce literature in the form of tracts, pamphlets, charts, statistics, bills, posters, cartoon, pictures, etc. The propaganda to be effective has to be adapted to the level of the class of people among whom it is carried on. It has to be sympathetic and without any tinge of bitterness or fight with the main object of persuasion. It should be indirect and subtle rather than direct. It should amuse as well as educate and above all, it should be artistic as well as scientific. It must be based on the intimate and sympathetic study of the psychological, economical and social conditions of the people for whom it is intended. Such an approach will touch the inner chords of the people's heart. In short, the prohibition propaganda machinery should play two roles, *i.e.*

- (i) educating the masses about the evils of drink and the benefits of prohibition; and
- (ii) entertaining the masses and thus providing them with healthy pastimes during their leisure hours which they formerly used to spend at liquor shops.

Direct Contacts

17. The members of the non-official organisations should develop direct contact with the people including those who are addicts as also with their dependants. They should take special care not to harm the reputation or honour of the addicts and should take interest in their personal, family difficulties and try to help them so far as possible. In this way, they should win over the confidence and friendship of the addicts and then persuade them to give up this evil habit. Though hardened addicts take more time they also would ultimately yield to this approach through love and affection.

Panchayats' Role

18. Every village panchayat should be made to realise and shoulder the responsibility of eradicating the drink evil from the village. A prohibition sub-committee consisting of members of village panchayat and leading social workers of the village, may be set up for implementing the publicity work on prohibition in a systematic way. General meetings may be held in the villages for driving deep the message of prohibition; and the inner strength of the people should be brought on and harnessed against this evil. Sammelans and shivirs can be organised in talukas and tehsils to encourage healthy competition in the villages for prohibition, and ensure extensive participation and help in the propaganda work.

Constant Vigilance Necessary

19. The carrying out of intensive publicity work in this way is not sufficient and does not end with making the addicts give up their drink habit at once. Thereafter, perpetual vigilance with the help of awakened public opinion is indispensable against this social evil. The organisers should make extensive tours in areas under their supervision in order to keep the movement alive and to take proper steps for preventing slackness on the part of social workers in their activities. The organisers of various talukas and districts may also meet from time to time in order to review the overall position arising out of the implementation of prohibition programme and to find out ways and means for the solution of the various problems that crop up. Their common difficulties and problems should be brought to the notice of the executive committee of the central body at the State headquarters so that they may approach the Government officers concerned and draw their attention to the particular problems and make efforts to see that the organisers get all the requisite help and co-operation from the Government agencies in their work.

Prizes

20. A scheme for awarding prizes to the villages can be formulated whereby the prizes of Rs. 250 and a certificate can be awarded to the Gram-Panchayat of a village for making prohibition a success.

Religious Fairs and Festivals

21. A large number of people assemble at festivals and celebrations. It goes without saying that the Government should not open liquor or toddy shops at such fairs and festivals. The prohibition workers can visit these places and secure the good offices of the religious leaders who can successfully carry on the propaganda for prohibition.

Exhibitions

22. The Nasha Bandi Mandal of Gujarat has prepared a permanent exhibition which can be set up in an area of 40'×40'. It includes a set of pictures with scientific bias and a series of pictures depicting the tale of a farmer attaining prosperity after giving up the drink habit. Such an exhibition based on the local requirements may be prepared by the central body incharge of doing publicity work on prohibition and can be usefully displayed at the seminars, celebrations and other such occasions where thousands of people assemble.

Bhajan Mandalis, Kathas, etc.

23. There is a custom in the villages to have Kathas from Ramayana, Mahabharata and Bhagwad for seven days or more. Advantage can be taken of these functions as they will have more lasting effect on the religious-minded audiences.

Folk songs, Tamashas, Plays

24. Folk songs are becoming very popular specially in the rural areas as they reflect the ways of life of the people and their behaviour. Simplicity of words and expressiveness have direct and telling effect on the public mind. If a mobile party of good singers of folk songs could go round the villages, they would bring good dividends by reclaiming people from the drink habit. Similarly tamshas and dramas can successfully be arranged and one-act plays on prohibition can be performed in taluka towns if there is financial assistance from the state.

Welfare Centres

25. Welfare and recreational activities in a healthy atmosphere play an important part. The minds can be moulded and can be kept off the evil indulgences. The worries are forgotten, tensions are relieved and a healthy interest is created. These are wholesome avenues which refresh the body and relax the mind. The leisure hours are spent usefully and enjoyably. The recreation centres can be prophylactic for juvenile delinquency and crime and help people in enjoying drink free life.

Restaurants

26. The wine shops, howsoever, filthy and unattractive, draw the drinkers and apart from being places where people can drink, they also serve as the poor man's club where people, may sit down, drink, gossip and relax. These hovels are also the haunts of bad characters, vagabonds and gamblers. If people in humbler walks of life and particularly of the lower economic strata could be given better facilities in restaurants-cum-clubs instead, where they could gather and refresh themselves with non-alcoholic beverages and served with wholesome but inexpensive food they would be automatically drawn away from the drink shops. Special efforts may be made to serve dainties and delicacies in the background of a decor and a setting appealing to the eye. These places can be attractively furnished, and decorated with pictures and charts depicting the evil effects of alcoholic drink. The standard of cleanliness should be of high order. Good music and where possible some other facilities for recreation can create a wholesome atmosphere. Such places can also serve as clubs, in both rural and industrial areas where people have not many facilities for recreation. The people should be able to partake of liquid refreshment at prices well within their means even if the government has to subsidise them.

Film shows and Radios

27. Most of the districts have publicity and propaganda vans belonging to the Publicity and Propaganda Department equipped with projectors, etc. for film shows and documentary films. Special films on prohibition can be exhibited specially during the Prohibition Week and at prohibition 'shivirs' and 'sammelans'. Good films should be produced for this purpose by the State Government and lent to the non-official agencies. Films and radios are very powerful instruments of propaganda and publicity. They can be effectively taken advantage of for the work of prohibition.

Poetic Symposia (Kavi Sammelans and Mushairas)

28. Poetic symposia should be arranged where the poets should be encouraged to recite poems narrating the evil effects of alcohol. Specific incidents from history might be high lighted where alcohol was responsible for human downfall. This will yield tangible results and create a lasting impression. Poetic symposia as part of a cultural programme always draw large audiences and if the topics are carefully selected they enthuse and entertain the hearers, for songs outlive sermons.

Literature

29. We have come across some good journals devoted to the cause of prohibition. We are very much impressed by journals like LISTEN* ALERT@ and THE WINNER† which to our mind are attractive, authentic, informative and scientific and contain very useful information on prohibition. Authoritative articles on prohibition, articles with moral and scientific bias, true stories and inspiring incidents, personal experiences, songs and short stories based on prohibition should find place in such magazines and this will form a nucleus of literature on prohibition for people to read. Attractive magazines in all regional languages on clean, healthy and better living, will go a long way in instructing, entertaining and educating the readers.

30. Prohibition is not a battle but a war. It is a war against an age-old evil which has blighted the nations for generations and scourged the world since the beginning of the agricultural era; an evil which Gladstone said had caused more deaths than war, pestilence and famine combined.

Research Studies and Surveys

31. We have emphasised above the need for the training of workers of voluntary organisations who will carry on educational work on prohibition. The training will be more useful if it is problem and action—oriented and based on available successful practical experience and the findings of research into the various aspects of Prohibition.

*Listen, bi-monthly journal published in the interest of scientific education for the prevention of alcoholism of narcotics' addition published by the American Temperance Society from Washington.

@Published by the National Temperance Society of India at the Oriental Watchman Publishing House, Salisbury Park, Poona-1.

Alert is also published at Pacific Press Publishing Association, 1350 Villa Street, Mountain View, California 94041, U.S.A.

†The Winner, a monthly published by the International Temperance Association, 6840, Eastern Avenue, N.W. Washington 12.

32. Research studies and surveys, in our view, are also necessary for effective handling of the problems of enforcement by the State Governments which are vast. Some of the problems that may be probed through these studies and surveys are illicit distillation and sale, smuggling, misuse of medicinal and toilet preparations, treatment of addicts, rehabilitation of tappers and others displaced persons as a result of Prohibition policy, alternative uses of raw materials now consumed by the liquor trade etc. Besides, surveys may also be undertaken into the (i) pattern of drinking habits both in the rural and urban areas, communities and tribes given to drinking, customs, traditions encouraging the use of alcohol, (ii) incidence of crimes, driving accidents, absenteeism in factories, damage to property, fatalities etc. due to drunkenness and (iii) alcohol caused domestic infelicity resulting in unhappy families and divorces etc. This is only an illustrative list of subjects and not exhaustive. Such research studies and surveys should not only bring into focus the nature and extent of this and other problems impeding the progress of prohibition but may also concretise the remedial steps that may be undertaken.

33. We have already pointed out in an earlier paragraph that research into various aspects of prohibition will be undertaken at the Central Training and Research Institute on Public Cooperation being set up by the Planning Commission. It will, however, be necessary that research studies and surveys may also be undertaken at the State level under the programme for educational work on Prohibition.

34. We have already explained in some detail, the type of mass education which must be imparted to convey the message of prohibition. Such educational work on prohibition has to be undertaken extensively and intensively by the State Governments throughout the country. Large funds will be needed for this purpose. If properly utilised, they will yield rich results for the success of the prohibition programme in this country. It is not possible for the Team to indicate the exact amount required, as it will depend on the resources of the States and the amount which they can spare for this purpose. But broadly speaking, we will recommend that for the country as a whole, an expenditure of Rs. 1 crore per annum would not be on the high side. Since the proposals for the Fourth Plan are being formulated, the Team will recommend that this matter should be taken up for consideration in the Central Committee on Prohibition. The Central Government may consider sympathetically, making a financial provision as suggested above.

CHAPTER XXXVII

ADMINISTRATIVE SET UP IN THE STATES

Scope of our Enquiry

Our terms of reference require us to examine the existing administrative set up in the States with particular regard to the personnel, their recruitment, their training, the powers entrusted to them, and their methods of work. We have had a little difficulty in the interpretation of the phrase "administrative set up in the States". In a strict narrow sense it means merely the executive agency charged with the enforcement of the laws but we believe that this is not the intention and that what we are required to report in administration is the broad sense comprising the entire administration of the programme from the policy level down to the actual execution in the field. Regarding the scope of our enquiry we have assumed that we are required to examine the administrative set up in the dry States and in the partially dry States and to make suggestions for improvement. We have, therefore, confined our attention to these States and if we have referred to any special feature in the setup of the enforcement staff in the wet States, it is only to reinforce our argument for readjustment or reorganisation of the force.

Difficulties of a uniform Prohibition programme

2. The administration of a uniform prohibition programme throughout the country is a stupendous problem. Quite apart from the size of the country and the huge population involved over 469 millions—there are the difficulties presented by an extended coast line, difficulties of terrain, the presence of wet and dry areas in the same region and large blocks of Adivasis, still following their traditional way of life, all posing a challenge to the administration. Added to these difficulties is the attitude of the States, the administrative machinery and the resources available to them which have also to be taken into consideration. Viewed against this background there is no doubt that the introduction of a uniform prohibition policy throughout the country will be no easy problem. But the size of the problem or the difficulties in the way of enforcement by themselves should not deter us from examining the existing set up in the States where prohibition is in force in whole or in part, whether it is adequate and if not, how it should be reinforced. The agency for the implementation of any uniform policy for the States is, therefore, of paramount importance.

Method and morale of administrative set up

3. It has often been stated before us that prohibition has failed and that the programme should be scrapped. At the same time, these witnesses also admit that on principle prohibition is good for the people. We think that this contradiction results from the fact that people tend to mix up the means with the end. Prohibition as a policy has not failed but there are grounds for the belief that its implementation in some of the States had not come up to the expectations and has led to some unexpected and undesirable consequences. There are several reasons for the present situation

and one of them is the organisation and composition of the enforcement agency. An examination of the administrative set up of the dry States and in the partially dry States, that is, the recruitment to the force, their organisation and deployment, their method of work and their morale are thus very relevant for an assessment of the situation obtaining in the dry States.

Positive and coercive aspects

4. The administrative set up in the States has to be viewed in the context of the totality of the prohibition programme, namely, whether it is adequate to undertake this responsibility. The programme consists of two parts, namely the positive and preventive aspect and the negative and coercive aspect. The positive aspect is concerned with the creation of a favourable climate for enforcement of prohibition through education, propaganda, publicity, audio-visual and dissemination of publicity and literature and also by organising and mobilising public opinion in favour of the programme by the creation of organisations and bodies consisting of prominent non-officials in the public life of the country. The negative or coercive aspect of the programme consists in the enforcement of the prohibition law, the detection, investigation and prosecution of offences against the law. It is very essential for the successful implementation of the prohibition programme that there should be proper coordination between the two phases of the programme at the policy making level, i.e. at the State level.

Administrative pattern

5. We have studied carefully the set-up for the enforcement of prohibition in the dry States and in the partially dry States. In Maharashtra and Gujarat the administrative pattern is similar presumably because both the States followed the pattern in existence prior to the bifurcation of the former Bombay State into Maharashtra and Gujarat. There is a Minister for Prohibition who is in charge of education, propaganda and publicity with a Director of Prohibition and Excise to assist him. The enforcement of the prohibition law, that is detection, investigation and prosecution of offences against prohibition law, is entrusted to the police which is directly responsible to the Home Minister. In both the States there is a prohibition board at the State level to which officials and non-officials have been nominated. The Minister for Prohibition presides over the meetings of these boards. In the districts, the District Prohibition and Excise Officer and the staff under him are entrusted with the work of prohibition propaganda. There is a prohibition sub-committee functioning at the district and tehsil level throughout the States. In Madras the pattern is slightly different. There is no Minister for Prohibition, nor any special machinery for education, propaganda, etc. The Home Minister is in charge of enforcement which has been entrusted to the police. The administration of the other provisions of the Prohibition Act rests with the Board of Revenue (Commercial Taxes).

Dry States

Set up in the dry States. Maharashtra

6. The enforcement of prohibition in the State, i.e. detection investigation, etc., of offences is entrusted to the police department. The Director of Prohibition and Excise controls all excise matters. The collectors have

certain functions under the Acts, such as issue of licences and permits. They are, in respect of such functions, subordinate to the Director of Prohibition and Excise.

7. The Director is assisted at the headquarters by a Deputy Director of Prohibition and Excise, Prohibition Liaison Officer, Chief Accounts Officer, Assistant Director of Prohibition and Excise and Special Officer for revision of the Bombay excise manual.

8. At the district level, the administration is carried on by either the Superintendent of Prohibition and Excise or district inspectors of prohibition and excise under the general control of the collectors. The Bombay city and the Poona district are in charge of Superintendents of Prohibition and Excise.

9. There is a foreign liquor permit office at Bombay which is a part and parcel of the office of the Superintendent of Prohibition and Excise. The collector is the authority who issues permits according to the Bombay Foreign Liquor Rules.

10. The District and Excise Officers and the staff under them are also entrusted with the work of prohibition propaganda in their respective areas. To look after this work, there is a Prohibition Liaison Officer for the State assisted by 4 divisional honorary prohibition organisers. In addition there are 20 posts of prohibition propaganda officers. There is also a prohibition propaganda officer for looking after 'sanskar kendras' in Greater Bombay. The 'sanskar kendras' have been provided with (i) an organiser; (ii) a volunteer; and (iii) a sweeper.

11. The State Prohibition Board is the principal advisory body on all matters pertaining to prohibition in the State. It consists of chairmen of the district councils, leading non-officials and officials concerned with implementation of prohibition and is presided by the Minister of Prohibition.

12. There was a sub-committee on prohibition of the District Development Board at the district level. The sub-committee has since the formation of the zilla parishad in each district become defunct. A proposal to re-establish such committees is under consideration.

13. Similarly the Taluka Prohibition Drive Committees and special committees of Block Advisory committees have ceased to exist after the formation of the Zilla Parishads in 1962.

14. At village level also there are about 8,000 prohibition committees to intensify prohibition propaganda. They act with the help of the Panchayats.

Gujarat

15. The general administration of the prohibition laws and the enforcement of various controls as envisaged thereunder is entrusted to the Prohibition and Excise department. The Director of Prohibition and Excise is the head of the department. He is assisted by a Deputy Director of Prohibition and Excise and an Assistant Deputy Director of Prohibition and Excise.

16. There are in all 17 districts in the State. The districts of Ahmedabad, Baroda, Surat, Kaira and Mahasan are in charge of Superintendents of Prohibition and Excise. All other districts except the Dangs are in charge of District Inspectors of Prohibition and Excise. In Dangs, there is a post of Prohibition Officer of the rank of a sub-inspector of prohibition and excise but for the purposes of prohibition and excise administration it is placed under the supervision of the Superintendent of Prohibition and Excise, Surat. To assist the District Prohibition and Excise Officers in their work, there are inspectors and sub-inspectors of Prohibition and Excise in each district. In addition there is a post of Superintendent of Prohibition and Excise, Rajkot who supervises the work of district officers in the Rajkot Division.

17. The main functions of the Prohibition and Excise department are at present confined to licensing, inspection of excise licences, enforcement of various controls under the excise and prohibition laws. The work of carrying out and organising prohibition propaganda, which was hitherto being done by these officers with the cooperation of social workers and non-official agencies has now been transferred to the Panchayats. The special committees, viz., social welfare committees of the district panchayats and taluka panchayats and the education committees of the village panchayats now look after prohibition propaganda work in their jurisdiction. However, in municipal areas over which the district panchayats have no jurisdiction, the prohibition propaganda work continues to be done by the Prohibition and Excise officers as usual. They are also required to assist the panchayats in prohibition propaganda work and the police in detection work.

18. The Government of Gujarat have constituted a State Prohibition Board with the Minister for Prohibition as President and consisting of officials and non-officials. The main functions of the Board are to educate and organise public opinion on the problems of prohibition, to advise Government in matters relating to enforcement, prohibition propaganda and recreation activities. There were Prohibition sub-committees of the District Development Boards in each district to advise the District Prohibition and Excise administration. With the enforcement of Panchayat raj, the functions relating to prohibition propaganda have been entrusted to Panchayats.

19. In order to coordinate and effectively organise the prohibition activities in the State, with the cooperation of non-official institutions, etc., three posts of divisional honorary prohibition organisers have been created in the State, viz., Ahmedabad, Baroda and Rajkot. They have been provided with fully equipped station wagons for prohibition propaganda activities. Besides, there are two prohibition propaganda officers in the State, one at Surat and the other at Ahmedabad.

20. The enforcement of prohibition law has been entrusted to the police department. The officers of the police department have been given all the powers necessary for the enforcement of the Bombay Prohibition Act, 1949. The Home Guards have also been entrusted with powers under the said Act, so that they may become useful in the prevention and detection of prohibition offences. The work of detection of prohibition offences has been made the normal functions of police officers. Although there exists special task force attached to the District Superintendent of Police in each district for carrying out prohibition raids, the police officers at police stations all over the State are required to detect and investigate prohibition offences as in the case of other criminal offences. The recruitment of police officers is made

after assessing their suitability for police duties. Adequate qualifications for different posts of police officers have been prescribed and the officers are given training in the police training school after their recruitment.

Madras

21. The Board of Revenue (Commercial Taxes) is in charge of overall administration of the Madras Prohibition Act. The enforcement of the Prohibition is under the control of the Inspector General of Police. Along with the above Act, the Opium Act, the Dangerous Drugs Act, the Spirituous Preparation (Inter-State and Commerce) Control Act and Medicinal and Toilet Preparations (Excise and Duties) Act are also dealt with by the police. Prohibition is part of the regular duties of the police. There are no separate prohibition stations dealing with prohibition crime. At State level there is a special cell designated the Prohibition Intelligence Bureau which is dealing with smuggling of ganja and opium by inter-State and international smugglers and also engages in disseminating information of large scale illicit distillation to the district police. In exceptional cases it is deputed to work in districts where the local police have either failed to successfully combat crime or are conniving with the offenders. In recent years it was found that the limited staff of the police stations could not find adequate time and manpower to tackle the crime in black-spot areas; a system of mobile parties, exclusively concentrating on prohibition work has, therefore, been framed, two for each big district and one for a smaller one. In addition, there are mobile parties at the range level to work in places neglected at district level.

22. All offences under the Madras Prohibition Act are cognizable. In addition to this Act, the police have to enforce the provisions of the following rules which have created separate offences for breach of them:—

- (i) The Madras Rectified Spirit Rules, 1959.
- (ii) The Madras Spirituous Essence Rules, 1959.
- (iii) The Madras Neera or Padani Rule, 1959.
- (iv) The Madras Denatured Spirit Methylated Alcohol (French Polish) Rules, 1959.
- (v) Madras Chloral Hydrate (Chloral) Rules, 1959.
- (vi) The Madras Molasses Control and Regulation Rules, 1960.
- (vii) G. O. 3031, Home dated 11th November, 1958, regulating the control of medicinal and toilet preparations.

23. Prohibition crime is registered in police stations just like any other I.P.C. offences and an identical procedure in investigation of such offences is adopted. The bulk of prohibition crime reported is from the police station house officers level. To tackle difficult places where large parties are necessary, the Circle Inspectors of Police arrange a bigger party with the available local transport. The police sub-divisional officers also give a lead by leading raid parties every month.

Partially dry States

Andhra Pradesh

24. The enforcement of Prohibition in the districts of Chittoor, Nellore and Guntur was entrusted to the police during 1950 and 1951 respectively. The Prohibition department continued to enforce prohibition in the other districts. There were 8 sub-divisions, 29, circles, 140 stations and 34 outposts in the above three districts. Consequent on the entrustment of the prohibition enforcement to the police during 1950 and 1951, 4 additional sub-divisions, 9 additional circles, 44 additional stations and 4 additional outposts were opened. Out of these 1 sub-division, 2 circles and 5 stations were surrendered in the year 1953.

25. The enforcement of Prohibition in the Andhra Pradesh districts was taken over by the police with effect from 15th January, 1956. The personnel of the prohibition department which ceased to exist from this date was absorbed in police, excise and other departments. Nine sub-divisions, 19 circles, 65 stations and a prohibition intelligence bureau were newly created and the additional staff of 1 Superintendent of Police, 24 inspectors, 165 sub-inspectors, 606 head constables, 1,883 police constables, 1 senior Superintendent, 3 superintendents, 18 upper division clerks, 55 lower division clerks and 7 typists were sanctioned.

26. The police continued to enforce the prohibition in all the Andhra districts upto 31st January, 1961, when it was transferred to the Board of Revenue (Excise and Prohibition). The whole Andhra region is treated as one division and it is in charge of the Deputy Commissioner of Excise and Prohibition, Guntur. The division has eleven districts. The district prohibition officer is in charge of the administration of the Madras Prohibition Act in the district. He has control over all the staff working in the district excluding those working in the distillery branch and agency areas, if any. He issues suitable instructions to the subordinate officers in regard to the working of the Act.

27. Each district is divided into two circles and each circle is in charge of an assistant prohibition officer, general duty. The Assistant Prohibition Officer peruses the general diaries of the prohibition stations and weekly diaries of the sub-inspectors. He also inspects the stations once in six months. Besides this, he has to conduct raids with the assistance of the station staff in crime centres. He has to enquire into all the petitions sent to him for enquiry.

28. There is an assistant Prohibition officer in charge of striking force at the headquarters of the district prohibition officer. The striking force consists of one sub-inspector, one petty officer and ten prohibition guards. He assists the district prohibition officer in conducting raid in important crime centres of the district as per the instructions of the district prohibition officer or on the petitions forwarded to him for enquiry etc.

29. There are two sub-inspectors for each taluk, each having separate stations at selected headquarters. Each of them is being assisted by one petty officer and seven prohibition guards except at district headquarters stations which are provided with 18 prohibition guards to attend to all kinds of work in their jurisdiction. The main duties of the prohibition sub-inspectors are:

- (i) Detection of prohibition cases;

- (ii) enquiring into them, charging them in the courts and getting them disposed of by the courts;
- (iii) inspection and supervision over all licences issued under the Madras Prohibition Act;
- (iv) control over the men working in their stations and watch over their movements;
- (v) maintenance of station records;
- (vi) supervision, inspection and control over sweet toddy shops in their jurisdiction.

Mysore

30. The enforcement of prohibition laws in this State is placed in the hands of the police. Prior to the reorganisation of the police force in the State, the prohibition staff were generally sanctioned on a temporary basis. In this erstwhile State of Mysore the sanctioned strength had been divided and maintained in the taluk police stations while in the Bombay-Karnatak districts they had been attached to the police stations. In the district of Bellary, however, the prohibition staff were distinct from the regular police, although under the general control of the Superintendent of Police, but directly in charge of the officer of the rank of a Deputy Superintendent of Police. With the reorganisation of the police force in the State consequent on the reorganisation of the State, uniformity has been brought about providing each police station in the dry areas with the staff on the following scale:—

For posts having	Head constables	Police constables
(i) Upto 50 cases of prohibition on an average per year . . .	1	..
(ii) Between 51-100 cases . . .	1	1
(iii) Between 101-200 cases . . .	1	2
(iv) Above 200 cases . . .	1	3
(v) for prosecuting of uncontested cases coming under section 107.	1	H. C. for the P. S. at the Circle headquarters.
(vi) for the prohibition intelligence bureau	1	S. I. & 5 H. Cs. to 8 H. Cs. depending on the extent of district, volume of prohibition cases etc.

31. In this State no police are exclusively reserved for the enforcement of prohibition, but the entire staff of the police station is required to attend to the detection of the prohibition offences in addition to their own police duties. There has been no special recruitment as no special force has been created for the enforcement of the prohibition in the State. The study of

the Act and its enforcement fall under the general training imparted to the men and officers in the police training institutions in the State. The staff included in the allocation of duties for prohibition is as under :—

Police Inspectors	Sub- Inspectors	Head Constables	Police Constables
2	24	618	623

32. In each district headquarters of a dry district, an intelligence staff consisting of one sub-inspector and a few head constables, has been sanctioned. This unit is designated 'prohibition intelligence branch' and its work consists in the collection of intelligence, conduct of raids throughout the districts and assistance to the local police officers when necessary. Besides this unit, six sub-inspectors and five constables work under the Deputy Inspector General of Police, Criminal Investigation Department, collecting intelligence and arranging raids throughout the State.

Orissa

33. Prohibition has been introduced in five out of a total of 13 districts of the State. The districts are Cuttack, Puri, Balasore, Ganjam and Koraput. Prohibition is being enforced in all the dry districts of Cuttack, Puri, Balasore, Ganjam and Koraput, excluding Koshipur tehsil, by the excise department. Initially the preventive as well as the educative and propaganda aspects of prohibition were under the charge of excise department but since 1957-58, the educative and propaganda work has been transferred to Home (Public Relations) Department.

34. In 1959, the enforcement of prohibition in Koraput district was made over to the police department on experimental basis. As this did not prove a success, it has again been taken over by the excise department with effect from August, 1962. The enforcement is now exclusively in the overall charge of Excise Commissioner.

35. The Excise Commissioner is assisted by the Deputy Commissioner of Excise. In addition, there are Superintendents of Excise, one in each district, inspectors of excise, sub-inspectors of excise, assistant sub-inspectors of excise and other ancillary staff.

36. There is no separate sector in the excise administration for the enforcement of prohibition. But a 'striking force' consisting of one sub-inspector of excise and six constables has been provided for each of two districts of Ganjam and Balasore. In Cuttack district there is a prohibition inspector with four constables. Besides this 'striking force' there is one prohibition inspector with two constables in the district of Ganjam where illicit distillation is reported to be heavy.

Madhya Pradesh

37. Out of 43 districts in the State, 7 are completely dry and 3 partially dry.

38. The excise department looks into the enforcement of prohibition and allied matters. The department is headed by an excise Commissioner and is aided at the headquarters by one Deputy Commissioner, one Assistant Commissioner and one prohibition propagandist. Besides other secretariat and ancillary staff, the district establishment comprises of 4 Assistant Commissioners, 38 district excise officers, 83 assistant district excise officers including inspectors. 503 sub-inspectors, 5 organisers, 54 head constables and 486 constables.

39. There is a State Prohibition Board on which both officials and non-officials are represented. In dry areas there are also district prohibition committees. The Board meets once or twice in a year.

Recommendations made by the Shriman Narayan Committee

40. This aspect of the question also came up before the Prohibition Committee set up by the Planning Commission in the year 1955. The Committee recommended that in order to achieve healthy coordination between the two wings of enforcement machinery, i.e., the enforcement wing and the education and propaganda wing, an administrator of Prohibition should be appointed in every State. He should preferably be a non-official. To assist the administrator; there should be a Prohibition Board at the State level on which the representatives of public opinion should also be enlisted. The Minister in charge of Prohibition should be the president of the Board and the administrator its chairman. The Committee thought it necessary that there should be a Prohibition committee in each district and upto the village and mohalla level. These district committees should also consist of officials and non-officials. The chairman of these committees should be District Magistrates and the convenors, full time Prohibition workers of the districts.

41. Discussing the question of force to deal with the prohibition offences, the Committee opened that prohibition offences should be treated at par with other offences. Therefore, the police who are normally in charge of offences against law, should be made responsible for legal enforcement of prohibition as well. All powers in connection with the investigation, prevention, detection, prosecution, etc. should vest with the police department. Advocating reasons for this recommendation, the Committee said that police are more widely spread in the country than any other departmental staff and the officers at the police stations remain in constant touch with the people. They have not only more staff but also better transport facilities. They also have more powers and law breakers are generally afraid of them.

42. The Committee also recommended that within the police department there should be a special enforcement branch consisting of trained personnel for Prohibition work in each State. The Committee advocated that mobile squads of police be also organised for the special purpose of detecting the source of illicit supplies of liquor and drugs.

Difficulties of enforcement Staff

43. During the discussions with the State Government officials certain difficulties faced by the enforcement staff and which seriously affected their work were brought to our notice. We are mentioning them here so that wherever possible these difficulties may be removed. First of all, there is a vast area which has to be covered. This is heightened by the fact that the

terrain in which the bootlegger operates is difficult and inaccessible. Often illicit distillation is carried on in the hills or in riverine areas or in thick jungles, but in all these places they have their watchmen or they are in a position to locate any advancing police party. The police force has to be augmented and the party should be mobile. Mobility is most essential. For this purpose adequate transport and arms and equipment should be provided for the striking force.

Another impediment in the way of administration is the lack of public support. People do not come forward to depose even in cases where there is evidence of the crime but not the criminal. This lack of public support in the activities of the enforcement staff is due to the fear bred by the illicit distiller and bootlegger. Public opinion should be educated in this matter so that there may be the necessary social climate in which the operations of the enforcement staff are more successful. This aspect we have emphasised elsewhere as also measure to put down gangsterism which is rapidly growing in big cities and in industrial townships etc. Added to all this is the fact that there is considerable delay in the disposal of cases in courts and the punishments awarded are light. This enables the bootlegger (a) to win over witnesses; and (b) to persist in his unlawful activities since the courts often award fine or very light punishment to the culprits. The court work considerably affects the field work of the enforcement staff.

The third difficulty arises from the extensive smuggling into the big cities, e.g., Bombay, Ahmedabad, Calcutta and Madras. As a very considerable volume of traffic moves by road and smuggling takes place by road, it is very difficult for the police to have a complete check on the traffic nor are there adequate facilities for checking at the check posts. For instance, in Bombay the Commissioner of Police told us that the approach roads to the city in the suburban districts are checked for illicit traffic. But the number of vehicles moving per day is so large that physical checking of each vehicle becomes impossible. It is only when they get information through their own sources about smuggling that they are able to follow the vehicles and do some test check. In other words, it emphasises the need for an effective intelligence system.

Two aspects of the problem—preventive and the positive

44. Having considered the existing enforcement set up in the various States and some of the difficulties encountered by them, we now proceed to set out our views on the problems. We considered this under two broad heads namely, the positive and preventive aspect and the coercive aspect. The positive or preventive aspect of the programme is only a supporting one to create a social climate favourable for the operations of the enforcement agency. The success or failure of the programme depends to a very great extent on the agency for the enforcement of the prohibition law and we have accordingly considered (a) the agency to be entrusted with the task of enforcement; and (b) the removal of the difficulties confronting the enforcement staff.

Three suggestions

45. Various suggestions have been made to us regarding the enforcement machinery, namely:—

- (a) as the police cover the area under prohibition adequately enforcement of prohibition law should be part of the normal

duties of the police; additional personnel, transport and equipment should be made available at each police station for this purpose;

- (b) there should be a separate force independent of the police which should be entrusted with the enforcement work; and
- (c) there should be a separate cell in the police force which should be charged exclusively with the administration and enforcement of the prohibition law.

Separate force not feasible

46. We have considered all these three suggestions. In our opinion the second suggestion to have a separate enforcement force for prohibition offences would not be feasible, administratively and financially. Such a force would not be able to cover the entire State as completely as the police force unless, of course, it is made into a parallel police force. Secondly, it will have to rely on police assistance whenever raids, etc. have to be conducted. Cases have been brought to our notice where the illicit distiller is now threatening to use force against raiding parties and as such only the police force with sufficient striking power can handle these notorious dens of illicit distillation. And finally a separate force would involve a very close liaison between it and the police which it may be difficult to build up. We have, therefore, no hesitation in rejecting alternative (b) above. Moreover, the reports we had on the working of the preventive force in one of the partially dry States are far from encouraging. We found the force very inefficient and there was more public criticism and dissatisfaction than support for that force.

Separate cell within police not favoured

47. Regarding (c) above, namely a separate cell in the police force for dealing with prohibition offences, we feel that if the enforcement of prohibition were to be the responsibility of the police, we do not see any merit in earmarking a few personnel for prohibition work. Secondly, such a cell either at the headquarters or with the Deputy Inspectors General will not prove as effective as when it forms part of the forces available with the District Police, e.g. the Station House Officer, etc. There are also chances of friction rising which may impair the smooth working of the special cell. We do not, therefore, favour the constitution of a separate cell in the police force for prohibition work.

Police force alone to be responsible for prohibition work despite its shortcomings

48. Our view is that enforcement of prohibition should be the responsibility of the police as it is at present in the 3 dry States of Gujarat, Maharashtra and Madras and that this arrangement should not be disturbed. The State Governments of Madras, Gujarat and Maharashtra are anxious for the continuance of the present position. The police organisation is well spread out and covers a wide area and the Station House Officer is in touch with the public opinion. They have more prestige in the villages and the law breakers are afraid of them. The police are better trained in the use of fire-arms and tackling mobs.

49. We were very much impressed by the constitution and duties of the preventive force which has been raised in Rajasthan for the detection and investigation of excise offences. Most of the recruits to this force are ex-military personnel. A special feature of this force is that the Team heard no complaints from members of the public against any impropriety of conduct on their part. They had a record of high efficiency and the officers and men discharged their duties often at considerable personnel danger. With the advantage of their military training they could negotiate difficult terrain more successfully and with ease. Their equipoise in the face of danger and high sense of duty was exemplary. This feature of the experience of Rajasthan in having a separate preventive force manned by ex-army personnel requires the consideration of the States even though it may be a small task force at the disposal either of the Deputy Inspector General of Police at the range or even at the headquarters. We are quite aware of the fact that the formation of a similar force for the entire country may not be feasible for lack of sufficient ex-military personnel.

50. We are quite alive to the fact that there are very serious shortcomings in the organisation and deployment of the police force which have led to certain amount of complaints from the public. One of the features that we noticed was that owing to the inadequacy of the staff at the station house level and above and the ever-increasing volume of work in connection with the prohibition offences the field work is tending to be neglected and this has led to the weakening of the police work. The time of the police force that should have been spent on the field in making the raids is now consumed in prosecutions and trials which are usually prolonged. As a result of delays in courts, arrears keep piling up and this results in the officers devoting more time in courts and elsewhere for the disposal of these cases. Sometimes a Sub-Inspector had to spend 20 to 25 days in courts. His field work thereby gets neglected. In their anxiety to prove that there is no decrease in the number of cases of detection, greater attention is paid to comparatively easier cases of drinking and possession than to the more difficult case of illicit distillation and transport. The anxiety of the police force is thus understandable and an effort should, therefore, be made for a periodic reassessment of the police stations and other units so that, consistent with the availability of finance and other responsibilities devolving on the police, an adequate force may be available for deployment for effective enforcement of prohibition. Secondly, a careful analysis should be made either by the D.I.G. at the range level or by the I.G. of Police of the fortnightly statements furnished by the station house officers and circle inspectors to assess the quality of the work.

Extra mobile force

51. In all the three States there was a complaint regarding inadequacy of staff, transport and equipment at all levels to deal with prohibition offences which was considerably hampering the activities of the enforcement staff. We would suggest that the staff at the Station House level and the Circle level be increased by 10% so that they may be able to deal effectively with prohibition offences.

In addition, a mobile force should be at the disposal of the Circle Inspector and the Deputy Superintendent of Police each with its own complement of transport and other equipment which should be deployed exclusively for stamping out illicit distillation in their areas. Each of these forces would act on intelligence received by it, conduct raids and arrest offenders.

Better equipment and mobile parties

52. It is not sufficient to augment the staff at the station house level. The staff should be supplied with the necessary complement of arms and equipment, that is, quick means of transport. A separate transport, a jeep, motorcycle etc. should be provided at each police station. We would also recommend the constitution of mobile squads for each of those districts where illicit distillation and sale of liquor are found to exist on a considerable scale. These mobile parties should be provided under the sub-divisional officer, *e.g.* D.S.P., the S.P., and the D.I.G., C.I.D. These units can work independently. If the superior unit finds that the prohibition work has not been done with thoroughness or discovers any shortcomings in the work of the lower units, the latter should be made accountable for its negligence. The mobile parties will thus also check corruption since the foot-constables and others who may be tempted to receive bribes know that their work is under supervision of higher units. The distiller also cannot earn immunity by offering mamools. A system of mobile parties will tend to discourage mamools since the Station House Officer or any other police official cannot give protection to the illicit distiller; similarly the illicit distiller knows that he cannot buy protection since there is every risk of his being caught by one of the mobile parties. We would recommend this system for the consideration of the State Governments.

Inter-Regional Liaison

53. Work of detection and prevention of prohibition offences is considerably hampered as there is no liaison between the police of different States with a common border. The smuggler from one State into another can evade pursuit by getting into the territory of the neighbouring State. The police of one State cannot pursue into another and effect arrest of the culprit and seizure of the contraband goods. For specific offences and inter-State jurisdiction may have to be conferred upon the police force.

Corruption in the force

54. One of the serious charges against the enforcement agency is that it is corrupt and therefore there is failure of enforcement of prohibition. The main form of corruption is acceptance of regular payments of hush money for conniving with the traffic of bootlegger and for bribes taken while committing the prohibition offence. This can be guarded against to some extent by (a) surprise visits by higher officials (*incognito*); (b) creation of mobile squads; and (c) prompt attention to reports from the public against corrupt officials. In other words the need for maintaining constant vigilance over the activities of the subordinates, constabulary, petty officers, etc. cannot be overstated. This would engender fear in the minds of some officials and may to some extent eliminate the existing malpractices.

Training courses

55. There is as yet no arrangement for a foundational course of training for the enforcement staff except on a very limited scale in some of the States. We feel that the present training includes P.T., musketry and use of small arms, driving, identification and finger prints, training in substantive and procedural laws, laboratory methods and collection of intelligence, etc. Periodical refresher courses may be organised either independently

or as part of the refresher course for the enforcement staff. The syllabus on the subject of prohibition could cover the following:—

- (a) methods of detecting of offences relating to manufacture, distillation, smuggling, etc.;
- (b) practical difficulties encountered while detecting cases;
- (c) exchange of information on special types of cases detected;
- (d) new techniques adopted in detecting cases; and
- (e) latest decisions of the High Courts and the Supreme Court.

Method of Recruitment—Prohibition Staff to be handpicked

56. So far as the enforcement of prohibition is concerned, the quality of work will depend largely on the interest taken by the police officer and the promptitude of the steps taken to deal with cases against those subordinates who fall short of the standards. We feel that the personnel deployed for prohibition work should be handpicked, should have belief in the prohibition programme and should be able to resist temptation and do their job efficiently. They should be made to realise that they are on an upper level and are expected to live up to that reputation. A system of special reward for meritorious work and also severe punishment for lapses on their part should be instituted.

Opportunity for mutual Discussions

57. There should be wide scope for discussions and exchange of intelligence among the officers relating to the difficulties encountered during the enforcement of prohibition laws, lacunae in the investigation of cases etc. The emphasis should be laid on detecting quality cases, rounding up of professional offenders, organised smugglers and professional sellers. We would commend in this connection the suggestion made by the Inspector General of Police, Madras, that a journal should be brought out by the Prohibition Intelligence Bureau giving the techniques adopted by the illicit distiller and bootlegger, practical difficulties encountered in detecting cases, exchange of information on special types of cases detected and decisions of High Courts and Supreme Court and also hints for investigation of prohibition offences. If this journal could be circulated to all officers starting with the station house officer, it would give some training to the officers and also produce some immediate results.

Coordination necessary

58. We had referred earlier to the need for coordination at the State level between the two phases of the prohibition programme, namely (a) the positive aspect concerned with the creation of a favourable climate for enforcement; and (b) the coercive aspect in the enforcement of the prohibition law, detection, investigation and prosecution of offences. In Maharashtra and Gujarat, the administrative set-up has been patterned on a recognition of these phases of the prohibition programme. But at the policy making level, i.e. at the ministerial level there was not sufficient coordination. We found that both in Maharashtra and Gujarat there is a Minister for Prohibition. He is concerned mainly with the education and preventive part of the

programme in all its aspects, and the coercive or enforcement side including control of the enforcement staff, *e.g.* the police, is that of the Home Minister. We consider that this duality of control at the top is not conducive to a coordinated enforcement of the prohibition policy. In Madras, the Home Minister is responsible for enforcement but hardly any attention is being paid to the positive aspect of the programme, namely, creation of a favourable public opinion and support for the programme. Our suggestion is that the Home Minister or other Minister in charge of the enforcement agency should also hold the portfolio of prohibition and in this he should be assisted by a Minister of State or a Deputy Minister. This will enable the Minister in charge to formulate a coordinated programme which would ensure proper enforcement of prohibition laws and adequate public support for the enforcement agency.

State Prohibition Boards

59. We would also suggest the creation at the State level of State Prohibition Boards with the Home Minister or Minister for Prohibition as its President and consisting of non-officials to advise the Government on the education and publicity programme for prohibition and to organise public opinion and support for the prohibition programme through non-official organisations and bodies and enlistment of prominent police men in this cause. These Boards should be non-official in character with the minimum number of officials. Such non-official bodies should also be constituted at the district and taluka levels so that people may be shaken off from their present attitude of apathy and indifference to one of active participation and cooperation in the programme.

Suggestions to be supplemented

60. In the second Volume, we may have to further supplement our suggestions on the administrative set up after we have had the advantage of studying the system of the task force in the States and the territories which remain to be visited.

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CHAPTER XXXVIII

THE ECONOMICS OF INTOXICATING LIQUOR IN WET AREAS

The supply aspect of liquor is important

Outside of dry states, as we have seen in Chapter XXVII, the drinking habit does not vary much except among small groups of population such as tribals, fishermen, etc. In general, among wet states, the drinking habit appears to vary within the small range of 10 to 20 per cent of families and about the same percentage of adult population. The demand for drink being approximately similar, it is the supply side that becomes exceedingly important in analysing the economics of liquor and all the social repercussions thereof.

Alternative Systems of Supply of Country Liquor

2. In wet areas there are several systems of supply of liquor, some fundamentally different from others, while some exhibit only shades of differences in minor respects. It is important to understand the basic characteristics of these systems in order to appreciate the economics of liquor as indeed to be able to lay down a meaningful liquor policy in wet areas.

The outstill system is rudimentary and primitive

3. The oldest and perhaps the most rudimentary is the outstill system. Under this system a licensee produces his own liquor and sells as he pleases. Generally no excise duty is charged but only a licence fee is payable. Contractors bid for the licence and either the bidder who agrees to sell liquor at the lowest price or the one who contracts for the highest licence fee is given the contract. It is also possible to continue the licensee of the last few years without interruption so long as nothing is held against him. The amount of liquor which the licensee can sell is fixed as also the selling price. Small variations are possible within this general scheme.

Effect of outstill system

4. The outstill system which prevails, for example, in parts of Madhya Pradesh, Orissa, Bihar and other states gives almost a free hand to the producer. It is suited only to outlying areas where licit liquor cannot be regularly and effectively supplied. As no duty is charged, the price of liquor under the outstill system is, by the nature of things, very low, between 50 nP. and Rs. 1.50 nP. per bottle. The system is thus intended to be a counter to illicit distillation which otherwise is bound to prevail in these not-easily-accessible pockets. The product of the outstill system is not as pure and standardised as regularly distilled liquor. Moreover, the quantity produced by the distiller is nearly always more than the contracted amount. In fact, contractors have been known to get into league with illicit distillers in order to obtain cheap liquor over and above the quota. The system is thus seen to guarantee neither quality nor quantity nor revenue, and therefore tends to be replaced by other alternatives, as transport facilities and

accessibility of distant areas improves. Many states have given up the system already either in part or in the whole of their territory.

The Bidding System: Licences for distilling, warehousing and retailing generally given to highest bidder.

5. The Licensing system is the most widely prevalent of all. Here distilleries, warehouse contractors and retail vendors are licensed periodically either on the basis of tenders or of highest bidding. Tenders may be invited or auctions through bidding undertaken for operating the distilleries at certain intervals of time. In some centres there are government buildings as well as government plants for distillation; in some others only the building belongs to the government while the plant is operated by private individuals who secure licences; in yet others, the building and the plant are both in private hands. Generally the distiller-contractor who offers the lowest price for liquor supplied to the warehouse gets the licence subject to some other usual considerations. Areas of supply are allotted to distillers who are obliged to maintain a few months' (say two months') stock of liquor in hand. The distillers either supply liquor directly to the warehouse, or alternatively, the warehouse contractors or licensees get liquor in galvanized drums in bonded warehouses free of duty. This liquor generally is of 160° proof strength and is of different brands, e.g., spiced, plain, etc. The warehouse contractor has a licence to sell wholesale and this licence again is given either on the basis of tenders or the highest bid.

Liquor reduced in strength and bottled either in warehouse or in retail shop

6. Two alternatives exist for producing liquor of the desired proof strength. Either the 160° proof liquor can be reduced to the required strength and filtered, bottled and labelled at the warehouse and handed over in bottle form to the retail vendors; or the retail licensee can take delivery of 160° proof liquor from the warehouse in drums and undertake the processes of reducing it to the right potable strength, bottling, labelling, etc. at his own retail shop. Each of these two alternatives has its own advantages and disadvantages, which will be discussed presently.

Fixed retail price exists in some cases and open price in some others

7. The retail vendors in most states bid for the licence to sell either a limited quantity, as was the case in the Punjab until recently or as much as they wish to purchase at the specified price. In any case, the vendor who bids highest and obtains the licence, deposits the excise duty on liquor in government treasury, presents receipts thereof to the warehouse and obtains liquor either in drums or in bottles depending upon the system prevailing in the area in question. The bonded warehouse hands over liquor to the licensed vendor under the supervision of the government Excise Sub-Inspector. The cost of liquor in bottles or drums is paid to the warehouse contractor and the liquor transported to the liquor shop at the vendor's own expense. Here retail sales are effected to consumers, in some instances at a fixed price for each specified quality, as in West Bengal, and in others at an unnamed price such as the vendor might choose to charge, as is the case in Punjab.

Bottling in warehouses preferable to bottling in shops despite saving in transport cost

8. Bottling in the warehouse converts L.P. gallons of about 160° proof strength to bulk gallons of various strengths say 80°, 70°, 50°, 40° and 22·5° (i.e. 20° u.p., 30° u.p., 50° u.p., 60° u.p., and 77·5° u.p. strengths). If this is done at the warehouse, purity is guaranteed and there is far less danger of adulteration and other tampering than in the case where the vendor takes L.P. gallons in drums and bottles in his own shop. But on the other hand, the advantage of bottling at the retail shop is that transport costs are kept at a minimum since liquor is transported in the less bulky form of L.P. gallons and is converted into bulk gallons when it is not required to be transported any more (except by the consumer in small quantities). Moreover, the bottling charges are also minimized. But on balance, the small addition to transport and bottling costs which bottling at warehouses involves is perhaps more than compensated by the guarantee of the purity of liquor which this arrangement provides. The danger of misuse and adulteration at the retail stage can be quite large in the alternative arrangement of bottling at the retail shop. Thus, though from an economic standpoint we should normally advocate transport of liquor from the warehouse to the retail shop in the less bulky L.P. gallons and bottling at the final stage, the consideration of purity and hygiene leads us to advocate bottling at the warehouse on the model of the Uttar Pradesh and Himachal Pradesh, as distinct from what is in vogue in the West Bengal where the retail shop is permitted to undertake this process.

The bidding system raises the price of liquor and promotes adulteration and other abuses

9. The great disadvantage of the auction or the bidding system of giving licences, whether in respect of distilleries, warehouses or retailers, is that in the process of bidding the licensees sometimes contract to pay unduly large sums to the Government. They endeavour to recover these from the sale of the product. If the margin of profit per unit of liquor sold is small, the only way of increasing total profits is to sell a large quantity. If there is a restriction on the quantity that can be sold, that is to say, if the contract not only fixes the purchase price of liquor to be paid by the licensee but also the quantum of licit sales, adulteration and dilution and getting into league with the illicit distiller for augmenting sales on the sly are the only means of enhancing profits. The bidding system involving as it does high licence fee (or rentals) and high retail price of liquor in order to cover it, encourages adulteration and illicit sales. Moreover, and this is a very serious matter, by the time the excise duty, the high licence fee and other charges such as transport etc. are added to the cost of liquor, the selling price at the retail stage becomes so high, e.g., Rs. 12 per bottle of 750 millilitres (as in Punjab or Himachal Pradesh), that most ordinary consumers in the middle and the lower income brackets cannot normally afford to purchase it and hence run readily into the arms of the illicit distiller who is available in the neighbourhood with a bottle perhaps priced at Rs. 2 to Rs. 3. Consumers of licit drink are thus not only faced with the problem of high price but also of serious adulteration even of licit drink. On both grounds they begin to prefer illicit liquor and this encourages illicit sales and an increase in illicit profits. Sales of licit liquor, on the other hand, fall off owing to the great price differential between licit and illicit varieties.

The economics of a liquor shop in Himachal Pradesh

10. An idea of the economics of liquor in Himachal Pradesh, Punjab and U.P. can be had from the example of an average liquor shop in Himachal Pradesh. But large variations from the pattern given here are possible. This shop may obtain, after bidding and paying a licence fee of Rs. 60,000, a licence for the sale of 9,000 bottles in a year. The cost of liquor including the bottle will be about Rs. 5,000, the duty paid Rs. 37,500 and the establishment charges about Rs. 8,000. The accounts would then appear to be as follows:

	Rs.
Licence money (fee) for the annual sale of 9,000 bottles	60,000
Duty on 1,500 gallons at Rs. 25 per gallon	37,500
Warehouse issue price (<i>i.e.</i> , cost of liquor and bottle etc.)	5,000
Establishment charges	8,000
	1,10,500

Loss can be covered only by adulteration

11. The retail price of liquor in this shop is Rs. 11 per bottle for the plain variety, Rs. 12 for the ordinary spiced variety and Rs. 12.50 for the special spiced variety. If the average price is taken to be Rs. 12 the sales proceeds would work out to be Rs. 1,08,000 as against the cost of Rs. 1,10,500. The shop should close down or run at a loss. But in fact, even if it does not adulterate or sell illicit liquor, it makes profit by selling half the bottle at Rs. 13, instead of Rs. 12, or a quarter bottle at Rs. 14, or indeed by selling liquor in pegs at an average price equivalent to Rs. 16 per bottle. The economics of an average bottle may then work out to be approximately as follows:

Himachal Pradesh Country Spirit

	Rs. per bottle of 750 m.l.
Cost of liquor including bottle etc.	0.80
Excise duty	4.20
Licence fee/rental	6.74
Total expenses and taxes	11.74
Retail selling price	14.00
Crude profits without deducting establishment and other charges	2.26

} 10.94

The modus operandi of adulteration

12. The phenomenon of adulteration exists on a considerable scale and the evil is practised in many different ways. In many wet states where biddings take place and quotas are fixed for contractor adulteration is resorted to in order to increase the bulk and sell a larger quantity. Ingenious methods have been developed for opening the seals and the caps of the bottles, adulterating the liquor through addition of water or colouring materials or other ingredients, and recapping the bottles. Machines have been manufactured for recapping. Quite often empty bottles of the relevant shape are purchased, filled with adulterated liquor, labelled exactly as a distillery or a warehouse would do it and capped and sealed quite neatly. In states where the contractors are not allowed to sell more than a prescribed number of bottles, we have noticed the tendency on the part of the contractors to get in league with illicit distillers, and either adulterate licit liquor by mixing the illicit variety or fill the whole bottles with the illicit variety and cap and label them as though they contained licit liquor.

13. Apart from illicit liquor, plain water can be used to adulterate so that the degree of proof-strength is reduced and the bulk is increased. The practice in some states, of carrying London proof liquor of 160° proof-strength and bottling at the retail shop instead of the warehouse, lends itself quite often to this kind of adulteration. If alcoholic content is reduced by mixing water and the degree of proof-strength is reduced from say 80° to 70°, the profit margin obviously increases because one can make say, 14 bottles instead of 12.

14. Another way of adulteration is to take liquor of the plain variety from the distillery or the warehouse, add colour to it and sell it as spiced variety which fetches a higher price and hence higher profits.

15. Yet another method is to take advantage of what is called 'obscurat-ion'. This is the permissible margin or range of variation of proof-strength inasmuch as complete standardisation is difficult. Real obscurat-ion occurs if liquor is re-distilled (double distilled) and spices added. That is to say, if liquor of 100° proof-strength is redistilled and fruit or other material added, the proof-strength may decrease to say, anywhere between 83° and 87°. This means that an 100° proof-strength, the possible range of obscurat-ion is of 4°. However, he who adulterates may add water with colour and essence without adding spices or fruit and without redistilling get the effect of a decline in proof-strength and thus take advantage of the process of obscurat-ion. This mal-practice can occur in shops and warehouses where bulk store is available.

The Minimum Guarantee System

Earlier system led to alliance of contractor with illicit distiller

16. The system of supply of liquor prevalent in some parts of the country, noticeably in the Telengana area (9 districts) of Andhra Pradesh is termed 'the minimum guarantee system'. The system has a historical basis. Previous to its adoption this area had a somewhat different system in which contractors used to bid for licences to sell liquor, but were not obliged to buy the liquor in any pre-determined quantity. The result was that in order to cover the amount they had bid for and to make their own profits, they used to purchase duty free illicit liquor rather than take licit

liquor from the authorised distillers and warehouses. The contractors, thus, became patrons of illicit liquor which they purchased cheap and sold in their shops at the prevailing market prices, thus making sizeable profit. But the Government faced a loss of excise duty and the authorised distilleries had dwindling sales. In order to stop this rot and to curb the patronage of the illicit distiller by the liquor contractor, the Government introduced the minimum guarantee system in 1959. Under this system, minimum quotas were fixed for each contractor on the basis of an average of the past three or four years of sales.

Whatever the amount of fee the contractor had to bid for, he had to lift the fixed quotas. Naturally he was obliged to sell at least that much. The contractor paid the usual excise duty on sales in addition to the fee he had bidden for. Superficially observed, this system does appear to be promoting the consumption of liquor by forcing the contractors to lift and sell at least a minimum quota. But in actual fact, in attempting to sell quantity determined in the quota, the contractor became a competitor rather than a collaborator and patron of the illicit distiller and the presumption is that licit sales were promoted at the expense of illicit sales.

Effect of reduction of quota

17. Together with the introduction of the quota, the State Government reduced the excise duty on liquor by 50 per cent. This measure also worked in the direction of shifting consumption from illicit to licit alcoholic beverages. In the two years following this change-over, the sales of licit liquor are reported to have shot up by a large volume, the increase being obviously due to a shift to the licit market.

18. In 1961-62, the Government adopted the measure of doubling the excise duty on liquor, that is, putting it back at the same level where it stood before the introduction of the minimum guarantee system. It was additionally provided that the maximum consumption of the last two years should be the minimum guarantee for future years. A contractor could, of course, ask for additional quantity of liquor, provided he paid the usual excise duty and a fee proportional to the volume in relation to the minimum guarantee. It is reported that despite raising the duty, sales continued to be buoyant. One cannot, however, rule out the possibility that sales might have been greater, had the duty not been stepped up. Moreover, in making the sellers sell at least the same volume of liquor as the maximum of the previous two years, despite an increase in duty, the Government appears to have forced one of the three alternative courses of action: (i) as the sellers are free to charge whatever price they like, they would either raise the selling price as a result of increased duty to maintain their profit per unit of sale; or (ii) fearful of decline in demand, they would leave prices unchanged and accept a cut in their profits; or (iii) the worst possibility would be an attempt either to adulterate or to get allied with illicit distillers and sell adulterated liquor at a smaller price in the hope of selling much more. We only hope that the third alternative has not been used to any considerable extent.

The bidding system in toddy

19. In the case of toddy and sendhi, there is a similar arrangement in Telengana of bidding for a certain number of trees. The number of trees, in other words, is a substitute for the minimum guarantee provided in the case of country liquor. One can get, of course, a larger number of trees if one pays a proportionately higher amount in rentals, provided more trees are available. A toddy contractor not only pays rentals (which are the equivalent of fee in the case of country liquor), but also pays a tree tax of approximately Rs. 6·20 per tree and a 'Haq-e-Malikana' which is Rs. 1·4 per tree in the case of sendhi and Rs. 2 per tree in the case of toddy. The tapping season for sendhi is about four months during any time of the year, though a year's rest is necessary after four months of tapping. Toddy, on the other hand, is tapped only seasonally, after the 'golas' appear on the tree, which is generally during November, December and January.

20. In analysing the economics of a toddy shop, we note that the selling price per gallon is Rs. 1·86 or Re. 0·31 per bottle of about 750 m.l. Generally, the tax element which consists of (i) rental; (ii) a tree tax; and (iii) 'Haq-e-Malikana' amounts to about Rs. 1·06 per gallon or Re. 0·18 per bottle. Tax, thus, constitutes about 58 per cent of the sale price. The crude profit per gallon being 80 nP., *i.e.*, about 13 nP. per bottle. An average shop to which this statement pertains, sells about 5820 gallons during the year for Rs. 10,825, pays taxes, rentals etc. of Rs. 6,162 and obtains a crude profit of Rs. 3,663 per annum. This does not take account of the profits of adulteration etc., if any, nor deducts establishment charges etc.

The Benegal System

The Benegal system has many notable features

21. As distinct from the prevalent arrangement in Andhra Pradesh, Punjab, Himachal Pradesh and U.P., where both warehouse contractors and retail vendors are licensed on the basis of the highest bidding, and the price of liquor consequently maintained at a high level through a high licence fee and heavy excise duty the West Bengal system is organised on a very different basis and offers, subject to some modifications, many useful alternatives which could be fruitfully adopted by other wet states. West Bengal has dispensed with the licensing system in its recognised sense and grants licences to the previous holders during their good behaviour, without forcing them through a process of fruitless bidding. If there is nothing objectionable in the previous performance of a distiller or a retailer, licences are automatically renewed. A very small fee is charged for this renewal or even for a fresh licence. Thus to a cost of say, Re. 1 per bottle (which includes the cost of liquor as well as that of the bottle) an excise duty of approximately Rs. 2·50 is added and this brings the figure to Rs. 3·57 for a bottle of 20 oz. (625 m.l.). However, the retail vendor, as elsewhere, deposits the excise duty in Government treasury, presents receipts at the bonded warehouse, pays the price of liquor at the warehouse and carries away the liquor in drums to his vendshop. Depending upon his sales of the current month a small fee is charged the following month in such a manner that the rate of fee rises in a graduated manner as sales increase. In other words, as a shop sells more (at a fixed price) and makes larger absolute profits through larger sales, the state comes in with a progressively rising rate of fee to share these growing profits. Therefore, the rate of

profit per bottle decreases owing to the increased fee the vendor has to pay, but the absolute profits increase though at a lesser rate than they would have if the fee had been proportional and not progressive. In any case, the fee is kept at a very small level. It bears no comparison with the huge licence fee per bottle (or rental as it is sometimes called) which retailers have to pay in Punjab, Himachal Pradesh, U.P. and many other States. On London-proof country spirit, reduced to a strength of 50° u.p., the licence fee on 10 L.P. litres is only Re. 0.50; for 1,000 L.P. litres, it is about Rs. 450; for 1,820 L.P. litres, it is Rs. 962, that is to say, no more than 53 nP. per litre; and an additional 71 nP. for every L.P. litre above 1,820 L.P. litres. It is quite possible then that an ordinary vendshop selling small quantities of liquor of 50 u.p. strength may have to pay only Re. 0.16 per bottle of 20 ozs. as licence fee. Its economics per bottle of 625 m.l. and 750 m.l. would then work out as follows ;

West Bengal 50 u.p. Country Spirit

	Rs. per bottle of 625 m.l.	Rs. per bottle of 750 m.l.	
Cost of liquor including bottle	1.00	1.20	
Excise Duty	2.57	3.08	
Licence fee (which rises progressively with the quantity sold)	0.16	0.19	
	2.73	3.27	
Cost of spirit payable at the wholesale stage	3.73	4.47	
Retail selling price	4.07	4.88	
Retailers' crude profit without deducting establishment charges	0.34	0.41	

Prices of licit liquor kept low and illicit distillation contained

22. It will be seen that the system of not letting contractors bid for licences but making them pay a small but progressive licence fee results in keeping the retail price low, that is in the region of Rs. 4 to Rs. 4.50 per bottle of 20 oz. This is one of the lowest prices of licit liquor in India outside the outstill system and its effect obviously is to compete effectively with the contraband product and keep the volume of illicit distillation very small. Knowledgeable circles have informed us that the quantity of illicit liquor consumed in West Bengal may not be more than 20 per cent of total sales of country liquor, that is to say, not more than 25 per cent of the sales of licit country liquor. Large sales of licit varieties are thus effected in West Bengal not because people drink much more than in other areas but because they drink more of licit than of illicit varieties. It is not high taxation per bottle as in Punjab, Uttar Pradesh and Himachal Pradesh, but large volumes of licit sales with a small taxation per bottle that fetches for West Bengal a large excise revenue. Excise revenue is thus the second

largest source of the State's income while illicit distillation and other forms of illicit alcoholic preparations are severely curtailed. This, we believe, is a great advantage. If a state has to continue wet, it might as well be wet without a great deal of illicit activity. Of course, a wet state will never be able to eliminate altogether the evil of illicit distillation for reasons which will be mentioned presently. But the existence of illicit distillation despite the low price of liquor in a wet area must not be interpreted necessarily as a case against the set-up. Illicit distillation will exist to some extent despite the low price because (a) some areas are distantly placed from roads, railways and other means of transportation and will give some scope for illicit preparation; and (b) the price differential between the licit variety of, say, Rs. 4 to Rs. 4.50 and the illicit variety of, say, Rs. 2 to Rs. 2.50 per bottle is large enough to tempt many a consumer, especially of the lower income brackets, towards the low priced illicit drink despite the knowledge about inferior quality. But it is clear that the competition from licit drink is so strong in West Bengal owing to the relative closeness of the prices of the two varieties that the illicit producer just manages to exist. He only subsists and does not flourish. Illicit distillation is not and cannot be an organized business in West Bengal. There is no comparison, for example, between the extent of illicit activity in the metropolitan area of Calcutta and that of Bombay.

Increase in price of raw material hits illicit distiller in West Bengal

23. And what is more, the margin of profit in illicit distillation owing to the low price (Rs. 2 to Rs. 2.50 per bottle) is so small in West Bengal compared to the margin in other wet areas (e.g. Punjab) and certainly compared to dry areas (where illicit liquor sell at Rs. 4 to Rs. 12 per bottle) that a mere increase in the cost of raw material—rice, molasses and gur—in recent times has hit the illicit business severely. During 1962 and 1963 illicit distillation has been reported to be seriously on the decline. This would certainly not be the case if the price differential between licit and illicit varieties were large and if the illicit manufacturer had the opportunity of raising the price of his wares, say, to Rs. 4 and still get away with it. In West Bengal the illicit distiller cannot so raise his price because of the effective competition offered from licit drink. As a matter of fact, given the condition that bottle for bottle the licit variety is superior, by common acclaim, to the illicit one, a price differential will always remain and the illicit seller will not be able to charge a price much higher than at present.

Bidding system not favoured

24. We may therefore argue that the system of granting licences according to good performance and good behaviour in the past with a nominal licence fee has great advantage over the alternative system of bidding and a heavy licence fee. The bidding system could result in a high price of licit liquor, a high incidence of illicit drinking and production and all the evils which this brings in its train. It appears that if a state has to continue to be wet, the best results would be achieved by combining the West Bengal system of small licence fee and a small excise duty per bottle with the U.P. system of converting London proof liquor at the warehouse stage into bottled liquor. As indicated earlier, we see great disadvantage in the West Bengal arrangement of permitting vendors to take L.P. liquor away in drums from the warehouse and convert it into lower strength and bottle it in their own vendshops.

The relative merits of the alternative systems of supply have to be evaluated

25. This discussion of the various systems of supply of country liquors has been undertaken to focus attention on the relative merits of the different systems. So long as a state remains wet, an opinion has to be given on the relative merits of these systems. The main points at issue are the relative merits of:

- (1) the system of bidding for licences (as in Andhra Pradesh, Punjab etc.) against the Bengal system of renewing the licences to the previous holders during good behaviour or the system of inviting tenders;
- (2) a minimum guarantee quota as in Andhra Pradesh against an open and uncommitted amount of liquor to be purchased by the contractor or the retailer;
- (3) the system of high excise duties against low rates of duty;
- (4) the freedom for the contractor or the retailer to charge his own selling price, as in Andhra Pradesh against a fixation of sale price as in West Bengal;
- (5) a flat rate of duty for additional sales (as in Andhra Pradesh) as against an increasing sale as in West Bengal, so that the State may share increasingly in additional profits from the sale of liquor;
- (6) bottling of liquor at the warehouse as is the case in Uttar Pradesh and Himachal Pradesh, against freedom for the retailer to bottle liquor of L.P. strength at his own shop.

26. We have already examined some of these issues in the present chapter. In Chapter XXXIX dealing with the proposed policy for wet areas, we shall examine some of these alternatives further and express our view about them.

CHAPTER XXXIX

POLICY FOR WET AREAS

Lok Sabha Resolution

In March 1956, the Lok Sabha passed the following Resolution:

“This House is of opinion that Prohibition should be regarded as an integral part of the Second Five Year Plan and recommends that the Planning Commission should formulate the necessary programme to bring about nation-wide Prohibition speedily and effectively.”

With reference to the above Resolution the Third Five Year Plan observes:

“In pursuance of this resolution, a number of recommendations were made in the Second Five Year Plan. It was pointed out that prohibition had already been accepted as a Directive Principle in the Constitution and there was need to adopt a common national approach towards it. State Governments should draw up their own phased programmes along lines broadly agreed for the country as a whole and there should be provision for constant review and assessment. As a first step, it was suggested that advertisements and public inducements relating to drink should be discontinued and drinking in public premises (hotels, hostels, restaurants, clubs, etc.), and at public receptions should be stopped. A series of other steps to be taken subsequently were also suggested. These were:—

Third Plan Recommendations:

- (i) progressive reduction in the number of liquor shops both in rural and urban areas;
- (ii) closing of liquor shops for an increasing number of days during the week;
- (iii) reduction of quantities supplied to liquor shops;
- (iv) progressive reduction in the strength of distilled liquor produced by distilleries in India;
- (v) closing of shops in and near specified industrial and other development projects areas;
- (vi) removal of shops to places away from the main streets and living quarters in towns and villages;
- (vii) taking active steps to encourage and promote the production of cheap and healthy soft drinks;
- (viii) assistance of voluntary agencies in organising recreation centres and
- (ix) inclusion of prohibition as an item of constructive work in community development areas and in social welfare extension projects.”

We have paid close attention to the above suggestions which we fully endorse and recommend for early implementation.

Uniformity of policy in Wet States desirable though not always feasible

2. It would have been excellent if a uniform policy of prohibition all over the country could be followed with immediate effect. If only enforcement could be effective and leakages few, such a policy could be shown to pay dividends, which would compensate several times over the loss of excise revenue and enforcement expenditures. Under the circumstances, however, realistically speaking, complete prohibition with immediate effect in all the wet areas is not a feasible proposition. The reasons for this statement are that we have already seen in the dry states the upsurge of illicit activity which not only weakens the health of the community by serving it with harmful contraband liquor, but destroys the strength of the social fabric through the spread of lawlessness, corruption and allied evils. It is true that if all areas were dry, one could not go into the neighbouring region in order to get his drink, as happens today. But illicit distillation and sale involving a good portion of the community in illegal and harmful pursuits is likely to emerge. Without an intensive period of preparation, education, publicity and persuasion, and without reducing the profit margins of illicit activity, the imposition of total prohibition immediately and everywhere would be undesirable. We are not looking at this matter merely from the view-point of the loss of revenue and the cost of administration; we are also looking at it from the angle of the deleterious effects on health and public morality. We are convinced that it would be impracticable to suggest that wet areas should go dry at once.

Gradual harmonisation of dry pattern in Wet States

3. We have expressed our belief that in dry areas of today it would be of some advantage, along with legal and administrative improvements, educational and publicity measures and tightening-up of the controls on illicit alcoholic preparations and the raw material thereof, to allow on permit basis the use of alcoholic beverages with a small alcoholic content. These measures we believe to be necessary for the elimination of the profit of illicit distillation and allied activity, and hence for the reduction of lawlessness, of corruption, of human degradation and other evils. While we may thus allow in dry areas, under a permit, the consumption of soft alcoholic drinks with less than 5 per cent alcoholic content in bulk, we should have a prospective policy in the wet areas which will gradually bring them close to the dry states and eventually make them dry. We, therefore, have for wet areas the following suggestions:—

Phasing of Liquor Policy in Wet Areas

The first phase: Reduction in the alcoholic content of liquors

4. If the wet states are to move gradually towards prohibition, a phased programme ought to be evolved. We suggest such a programme in four different phases. At present these states have a larger variety of hard beverages. To begin with, they have foreign liquors and Indian manufactured foreign liquors with a strength, generally, of 25° u.p. (about 42.86 per cent of alcohol in bulk). Then they have country liquors ranging from varieties as hard as 20° o.p. (68.6 per cent of alcohol in bulks—as in

the rather exceptional case of Rajasthan—and 20° u.p. (45·7 per cent of alcohol in bulk) as in Punjab, to 77·5° u.p. (12·9 per cent of alcohol) as in West Bengal. There are many cases of a state having country liquors of several strengths. Andhra Pradesh for instance, produces country liquors of 30° u.p. (40 per cent of alcohol) and 60° u.p. (22·9 per cent of alcohol). West Bengal too has strengths of 50° u.p. and 77·5° u.p. (the alcoholic content in bulk being 28·6 and 12·9 per cent respectively).

Progressive reduction of alcoholic strength

5. The initial measure which has to be introduced in the first phase of the programme in wet areas, is to bring about a uniformity in proof strengths of distilled country liquor. This uniformity has to be introduced (a) within a state and (b) within groups of states, say, Eastern, Northern and Southern. Moreover, a reduction in the proof strength of country liquor has to be brought about so that only the relatively light among the hard varieties are allowed to sell. It is true that a sudden and phenomenal reduction of proof strength will not find favour with the drinking community and might tempt it to patronise the product of illicit distillation. But it should be quite possible to reduce the strength of liquor gradually and in judicious steps and change the public preference from hard to relatively light beverages. An incentive-oriented tax policy and price policy would be necessary along with a programme of education, publicity and persuasion. In the wet areas of Andhra Pradesh, for example, liquor of 60° u.p. strength is sold in industrial areas only, and 30° u.p. strength is not permitted, though it is permitted in the countryside. It should be possible for Andhra Pradesh to think of some uniformity between the countryside and the urban industrial centres and permit a single proof strength of, say, 60° u.p., to begin with. This will eliminate the stronger among the hard varieties and save people from high strength liquors of, say, 20° o.p., 20° u.p., 30° u.p. and 50° u.p. It will also stop the tendency in some areas within a state for people to go over to the neighbouring regions and drink liquor of higher strength.

West Bengal

6. The State of West Bengal has recently reduced the strength of one of its varieties from 50° u.p. to 77·5° u.p. This is welcome. If a state has to remain wet it might as well remain wet with a reduced alcoholic strength and also with the consciousness that it has quite rapidly to move towards lower and lower strength and has to create a new taste and preference in the population for beverages of lower rather than of higher alcoholic content. We have examined closely the demand pattern in West Bengal consequent upon a decrease in proof strength from 50° to 77·5° u.p. In the rural population of West Bengal there has hardly been any resistance and people gradually are said to have got used to the new variety with lower alcoholic content.

Agreement between groups of States

7. Not only uniformity of alcoholic strengths within a state, but as between several wet states may also be examined. This matter can be settled between the neighbouring states across the conference table so that all accept a uniform proof strength or a fairly close approximation to uniformity even in the first phase. For instance, while Punjab and U.P. which

have a common border have at present liquors of 20° u.p. and 35° u.p. respectively, and Delhi has liquor of 50° u.p., there is no good reason why all should not have the lower strength of 50° u.p.

Suggestion for the First Phase

8. The first phase thus consists of eliminating the stronger varieties among hard country liquors, not only within a state but also among groups of states. But just as hard country liquors are not altogether eliminated, foreign liquors and Indian manufactured foreign liquors are not excluded either; and since all these are available, the question of permits etc. does not arise in this phase. It is important that this phase be a short one and does not go beyond two years if the total scheme of phasing is to be adhered to.

The Second Phase

9. The second phase in wet areas will consist of reducing the strengths of country liquors from the prevailing levels of 20° u.p. (45·7 per cent alcohol in bulk), 30° u.p. (40 per cent alcohol in bulk), 50° u.p. (28·6 per cent alcohol in bulk), 60° u.p. (22·9 per cent alcohol in bulk), 77·5° u.p. (12·9 per cent alcohol in bulk), etc. to a level not exceeding 82·5° u.p. This brings the alcoholic contents to 10 per cent in bulk which is equivalent to wine strength. If the strength of country liquor is to be reduced, it follows that the strength of the Indian manufactured foreign liquors has also got to be reduced to say, 75° u.p. But this liquor is not to be supplied to persons below the age of 25 years. Since alcoholic addicts and excessive drinkers exist in any society, and are bound to exist if the previous phase was one of total freedom to drink, it would be necessary to have some provision made for this category of persons to procure on permit hard liquors of the indigenous variety and of the Indian manufactured foreign variety. It has therefore to be provided in this and the two subsequent phases (III and IV) that addicts and habitual hard drinkers of an age above 40 years may be put on a permit system if recommended by a board and supplied with country liquor of say 60° u.p. or IMFL of say, 25° u.p.

The Third Phase

10. In the third phase, the strength of liquors will generally be reduced to 5 per cent or less of alcohol in bulk. In this phase, as in the previous one, addicts and habitual drinkers of 40 years and above will have to be put on permits on the recommendation of a board, for the consumption of relatively hard liquors.

The Fourth Phase

11. We presume that it should be possible for wet states to complete the first three phases in a period of 12 years from now, that is by 1975-76. The completion of the third phase will coincide with the completion of the Fifth Five Year Plan by which time the aims of doubling of the 1950-51 national income and of giving every family a minimum level of living are sought to be achieved. We feel that the programme of prohibition will be helpful in assuring minimum standards of living to the weakers

sections of the population by plugging points of leakage. Meanwhile, the programme of education and publicity would have got under way. At the end of the third phase, in 1975-76, the wet States should be ready to come in line with dry states and the final phase after this should consist of the introduction of complete prohibition.

12. The phased programme for wet states will then appear as follows:

Suggested Phasing for Wet States

Country Liquor	IMFL and Foreign Liquors
<i>Phase I</i>	
1. While a state continues wet, instead of having country liquor of many strengths, such as 30° u. p., 50° u. p., and 60° u. p., it brings about a uniformity and permits only one strength of 60° u. p. The strength so chosen should really be one of the lightest among the strong varieties. Other varieties of higher strengths should be eliminated. 2. Several states should be grouped in suitable zones in order to bring about a uniformity of proof strengths, permitting preferably 60° u. p. strength everywhere. 3. If a particular state has already introduced liquor of strength lower than 60° u. p., this strength may not be increased by that state.	1. Foreign liquors and Indian manufactured foreign liquors can be generally available during this phase.
<i>Phase II</i>	
1. In the second phase, the strength of country liquor should be reduced further so as not to exceed 82.5° u. p. This is equivalent to the strength of alcohol in wine which is generally 10 per cent or less in bulk. 2. As this shift to relatively lighter alcoholic beverages occurs, addicts and habitual hard drinkers of an age above 40 years may be put on a permit system and may be allowed to obtain liquor of alcoholic strength not exceeding 60° u. p. 3. No liquor of any strength shall be sold to persons below the age of 25 years.	1. In the second phase, the maximum permissible strength of Indian manufactured foreign liquors may be reduced to 75° u. p. and these can be made generally available. 2. Addicts and habitual hard drinkers of an age above 40 years may be put on a permit system and may be allowed to obtain IMFL of the usual variety of 25° u. p. 3. No liquor of any strength shall be sold to persons below the age of 25 years.

Country Liquor

IMFL and Foreign Liquor

Phase III

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|---|---|
| <p>1. In the third phase, only liquors with less than 5 per cent of alcohol in bulk, may be permitted to persons of age above 30 years.</p> <p>2. Addicts and habitual drinkers of an age above 40 years may be put on a permit system and may be allowed to obtain liquor of alcoholic strength not exceeding 60° u.p.</p> | <p>1. In the third phase, only liquors with less than 5 per cent of alcohol in bulk such as beers, ciders, and softer wines may be permitted to persons of age above 30 years.</p> <p>2. Addicts and habitual drinkers of age above 40 years may be put on a permit system and may be allowed to obtain IMFL of the usual strength.</p> |
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Phase IV

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|---|--|
| <p>1. On the termination of the third phase, the wet states will become completely dry and there will be a uniformity in laws relating to liquor.</p> <p>2. Addicts and habitual drinkers of an age above 40 years may be put on a permit system and may be allowed to obtain liquor of alcoholic strength not exceeding 60° u.p.</p> | <p>1. On the termination of the third phase, the wet states will become completely dry and there will be a uniformity in laws relating to liquor.</p> <p>2. Addicts and habitual drinkers of age above 40 years may be put on a permit system and may be allowed to obtain IMFL of the usual strength.</p> |
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13. The four phases are spread over a period of 12 years, but this is the outside limit so far as we are in a position to counsel. We, however, wish that the wet states, to whom this is to apply, could persuade themselves to condense the four phases within a shorter period, preferably by 30th January, 1970, on which date the birth centenary celebrations of Mahatma Gandhi are going to conclude.

Supporting Measures*Education and information*

14. While the first important plank of policy for wet areas should be to elect with mutual consent to have only the lighter among the hard varieties of liquor and then by judicious steps to move on to still softer varieties both of indigenous and foreign liquors, there are other concomitant measures which have to be undertaken side by side with this policy. One set of supporting measures is a vigorous educational and publicity programme. This obviously has many facets and can be pursued through many media of communication which are available to the modern world—the press, the pamphlet, the pulpit, the radio, the film, the drama, the class room and others. These measures of education and information have been fully discussed in Chapters XXXV and XXXVI.

A rational tax and price policy

15. Yet another set of supporting measures to achieve the objective can be found in the realm of tax and price policy. The idea that if prices of liquor are kept high the demand for liquor will be kept within bounds is a misguided one and has to be qualified especially when applied to country liquor. The obvious effect of high prices is to shift the consumers to the alternative product of illicit distillation. This causes no reduction in aggregate consumption but only a substitution of illicit drinking for licit one and a loss of revenue to the government. An allied misconception is, of course, to put a high tax on liquor in order to secure large revenues. This dates from the British days when the principle evolved was "maximum revenue and minimum consumption". But really the interest focussed on maximum revenue and not on minimum consumption, as the British regime was not particularly interested in a policy of prohibition or temperance or minimum consumption. It was known that drink was a matter of habit and that raising the price of liquor through a high tax on it would only result in the habitual consumers paying a very high price and continuing to drink nearly as much as before.

High taxes encourage illicit activity

16. It is now clear that the policy of high taxes per unit of liquor and of high prices has not only not reduced consumption in the aggregate or per head of population, but has also caused the emergence of the illicit distiller even in wet areas and made for a good deal of revenue losses owing to the shift of consumers from licit to illicit drinking. That high prices of liquor do not reduce drinking is a fact noted by many observers including the Prohibition Enquiry Committee (1955) under the chairmanship of Shri Shriman Narayan. If alternative substitutes for licit drink were not available (as might happen if techniques of manufacture of liquor are not known outside the permitted distilleries), the drinking section of the community might still go on drinking much the same quantity of licit drink as before, since demand is inelastic. But since the modes of illicit manufacture are widely known everywhere, demand easily shifts to the illicit product. By the same token of small price-elasticity of demand, noted in chapter XXVII, the total quantity drunk (licitly and illicitly) cannot be said to go up very much despite the fact that illicit drink, being tax free, is priced low. However, the fact that the secular trend in incomes is constantly upwards, provides a good reason for believing that total quantity drunk has been going up, inasmuch as the income elasticity of demand for drink is found to be positive.

Competition should contain illicit distiller

17. What seems obvious now is to rationalise the structure of taxes and rentals, reduce the price of licit liquor where it is unduly high and allow a vigorous competition with the illicit product. It is true that competition will not eliminate the illicit product completely. Some illicit distillation will remain owing to (a) the factor of distance in many interior and inaccessible places where licit drink cannot easily reach and (b) there being always some consumers to whom the difference between the prices of illicit and licit drink matters. To illustrate the point, suppose that illicit liquor sells at Rs. 2 per bottle, and licit at Rs. 5 per bottle. Suppose also that the quality of the licit bottle being better by common consent, most

consumers would rate it as reasonably priced at say, Rs. 3, and would be prepared to buy at that price. However, as it actually sells at Rs. 5, many find it beyond their means and begin to patronise the illicit product. Reducing the price of the licit product to Rs. 3 will shift the generality of consumers back to it and will spoil the business of contraband liquor. On the other hand, there will still be some people to whom the remaining difference of Re. 1 between the prices of licit and illicit drink will appear to be attractive, quality notwithstanding, and some sales of illicit liquor will occur. But it will serve very little purpose to reduce the price of licit liquor much further, as the additional gains from the illicit market will tend to dwindle. What is more, in order to obtain these small gains, the tax will have to be reduced further and the loss of excise revenue may more than offset the small gain. Thus there is an optimum tax and an optimum price at which, without creating more drinkers, it is possible to successfully compete with by far the largest portion of the illicit market. The objective of excise policy in wet states should precisely be to discover the optimum level of tax and price. This discovery can never be made unless excise policy is dynamic and inclined to make experiments. It can never succeed if only lip homage is paid to the phrase "maximum revenue and minimum consumption" while in practice government steadfastly insists on charging as high a revenue as possible per unit of liquor. Maximum revenue should be collected, so long as a state remains wet, not through a high tax per bottle but through shifts from illicit to licit business. The objective of excise policy in wet states, therefore, should be the discovery of an optimum tax and price structure, with a view to compete with the illicit distillers and by diversion from hard to relatively soft liquors before introducing total prohibition.

Discrimination in favour of softer liquors

18. If a state has licit country liquors of several proof strengths at the same time, as many wet states have, and if it is intended to make the consumers switch over from higher to lower strengths, it should be possible through reducing the price of liquors of lower strength relative to that of higher strength, to shift public preference in favour of beverages of lower strength. The present system of taxing liquors on the basis of London-proof gallons has this advantage that if liquor is diluted and bulk increased, tax per bulk gallon gets automatically reduced. This makes liquors with lower alcoholic percentage cheaper than those with higher percentage so that an incentive is automatically built into the system to consume the more inexpensive variety which also has a smaller alcoholic content. There are, of course, many other ways of discriminating between hard and light liquors in terms of taxes and prices and these discriminatory measures may be used in order to get nearest to the objective.

The bidding system must be abolished

19. A few other supporting measures may be mentioned here. As we have indicated elsewhere, if the price and the tax element in the price has to be kept at a minimum, the system of having contractors bid for licences is one of the worst methods for achieving this result. The bidding system quite often is the surest guarantee of ending up with a high price with all the evil consequences in terms of illicit distillation, etc. The example of Himachal Pradesh, Punjab, etc., underlines this fact of disproportionate rise

in liquor prices because of the high bidding among prospective contractors. A contractor, who bids for and pays high rental, has to spread this rental over the number of bottles he sells or is allowed to sell and this raises the selling price very considerably. Therefore, a necessary condition for having liquor priced reasonably is the substitution of the bidding system by a system of sales by the state directly or of inviting tenders or continuation of existing licences during good behaviour. We commend the West Bengal pattern on this specific point where licences are continued during good behaviour, the licence fee is kept very low and a small progressive duty is charged on additional sales. The price of liquor is thus kept low and competition with illicit distillation is keen. Accordingly we advise the discontinuance of the bidding system.

Minimum guarantee system may not suit the phased programme

20. While the minimum guarantee system has the merit of breaking the alliance between illicit distillers and licit contractors, it smacks of an attempt to sell at least as much as was sold in the previous period. This system may not be feasible in the context suggested by us of a phasing of the liquor programme with a progressive dilution of strengths and a reduction in the quantity sold as time goes by.

Prices may be fixed or flexible

21. There is nothing inherently wrong either with the system of fixing the selling price of liquor or with leaving it to the free market. Either system has its merits in the given context. What we are interested in is not so much this or that alternative method, but the final result that the tax element in the price should be low and that the price itself should not be so high as to tempt drinkers to shift to illicit sources.

Proof-strength should be reduced and bottling should be done in the distillery or warehouse and not in retail shop

22. As between the two alternative methods of: (i) having the proof-strength of liquor reduced and the liquor bottled in the distillery or the warehouse; and (ii) undertaking these processes at the retail shop, we should strongly advocate the former inasmuch as this guarantees purity and reduces the chances of adulteration, even though it may be somewhat cheaper, in terms of saving on transport costs, to have these processes done at the retail stage.

23. Quite early in the programme, that is, as the programme reaches the second phase, public consumption of alcohol may be stopped by cancelling all on-licences forthwith and the licences for clubs, hotels and other public places should be gradually curtailed. It is the open bar and public drinking which attract the young and this should be discouraged.

Complete State control over distilleries and breweries

24. And finally, as the liquor trade must not be run for private profit in accordance with the principle of maximum sales, we do not hesitate to suggest absolute control over bonded warehouses and breweries and distilleries and, if need be, even their being shifted to the public sector.

CHAPTER XL

FOREIGN VISITORS AND PROHIBITION

Foreign Tourists and Liquor Permits

It is the policy of the Government of India that the tourist traffic from foreign countries should increase. Every year, there is a progressively increasing number of foreign tourists visiting India. During 1962, there was a slight set-back and the number of tourists fell from 1,39,804 in 1961 to 1,34,360. Thus, there was a decline of 3.9% in 1962. For more reasons than one, India liked to welcome the foreign visitors. Lately, some foreign tourists had to put up with some inconvenience on account of varying rules and regulations relating to consumption of alcoholic beverages. Prohibition being a state subject, every state has enacted its own laws and promulgated its own rules and regulations, which often differ materially from those in force in another state. We have complete prohibition in the States of Madras, Maharashtra and Gujarat; there are other states which are wholly wet, e.g. West Bengal and Bihar, and there are still others in which there are both dry and wet areas. A foreign tourist feels discouraged if for purposes of drinking liquor, he has to fill several forms and he has not got the time to make such applications and obtain orders for the necessary facilities. But now this difficulty has been overcome to some extent as the overseas Indian Missions, at the time of granting a visa to foreign visitors to India, have been authorised to issue liquor permits valid for the whole country. However, yearly 30% of such visitors come from Commonwealth countries and they are not required to obtain visas and, therefore, need not call at an Indian Mission. In order to facilitate such tourists, the Directors of the four Regional Tourist Offices in Bombay, Delhi, Calcutta and Madras have been authorised to issue liquor permits on an all-India basis to them.

Drinking in Private Suites Inconvenient

2. These visitors are still experiencing inconveniences in some of the wet States, principally in Delhi. There are 11 hotels in Bombay and 3 in Madras which have permit rooms. There is an excise official in the permit room who scrutinises the liquor permits and his salary and other contingent expenses are paid by the hotel management. It is stated that the system is working reasonably well in Bombay and Madras. In Delhi, the same facility is not available to the foreign tourist although there is no prohibition on drinking. But under the law applicable to Delhi, drinking in public is prohibited and, therefore, alcoholic drinks are not served in the public rooms. A resident can drink in his own room. It is inconvenient when he wants to offer drinks to his friends. It is not correct to invite persons in one's bed room. What is more, it is indelicate to invite ladies to private rooms in the hotel. Recently, the Chief Commissioner of Delhi, in view of certain abuses brought to his notice, has issued an order that no lady can visit a private room in a hotel after 8 p.m. Thus, after 8 p.m. a person cannot invite to his suite a couple and offer them drinks.

A separate Room Hotel Residents

3. It has been suggested to us by the Department of Tourism that in places outside the three dry States, where rules forbid drinking in public, certain select hotels may be allowed to set apart a room in which the hotel residents and their guests may meet and the former may offer drinks to their guests with or without meals. Such a room should have a bar as well as dining arrangements. There are certain clubs in Delhi which allow their members to invite non-members as guests and they get round the law by paying a small fee and the guest is then treated as a casual member of the club for the day. Thus, a non-member by becoming a casual member of the club for the day enjoys the same facilities for drinking as a regular member. We do not think that it will be open to any objection if certain facilities which are available in the dry States to the permit-holders in hotels, are extended all over the country to foreign residents wishing to invite their foreign friends, whether residents in the hotel or non-residents. We do not see any objection for extending such a facility to the foreigners. In high class hotels, a room may be set apart for the exclusive use of foreign tourists residing in the hotel and their foreign guests, where there may be facilities for serving meals and alcoholic drinks. As it is not the policy to interfere with the habits and customs of the foreigners visiting India, the authorities in the states may not insist upon their observing abstinence from alcoholic drinks during their visit to this country.

4. Another question which arises is whether similar facilities should be given to the Indian residents in the hotel. It is said that with increasing collaboration with foreigners, there is greater social contact. The foreigners should have no difficulty in inviting their Indian guests and the Indian residents in the hotel should have the freedom to extend hospitality to the foreign visitors. The facility of offering drinks with or without meals in a special room to be set apart for the purpose may be made available. This problem is really of the wet States where drinking in hotels is forbidden but not at home. In the dry States there is no distinction between a foreigner or an Indian so long as they hold permits. It would, therefore, be anomalous if in the wet States, access to the special room in specified hotels is restricted to foreigners only and is denied to the Indian residents of that hotel.

Facilities to all foreigners

5. There is, however, a distinction between a tourist who, according to the United Nation's convention, is a temporary visitor to a country and a foreigner who has been resident in India for a long time. A tourist or a temporary visitor holds a visa for a period not exceeding six months. There are other foreign residents in India who as diplomats, technicians, businessmen, etc. are living in this country for a much longer period. For their liquor requirements, they cannot go to the Indian Mission and the tourist offices are not supposed to give them permits. In their case also, we feel that they should have the same facilities which are available to a visiting tourist. The production of his passport should be sufficient evidence of his being a foreigner. Delhi observes 125 dry days in a year. This rule may be relaxed in the case of a foreigner. The place from where the foreigner purchases his drink, whether a hotel or a shop, should maintain an account indicating the purchaser's name, address and passport number. It was also suggested to us that for purposes of obtaining drinks persons of Indian origin but domiciled abroad, should have the same facilities as any other

foreigner. Some of them have made foreign countries their homes for even more than a generation and when on a short visit to India, they may, from the point of view of facilities for availability of alcoholic drinks, be treated at par with foreigners who are not of Indian origin. It is not necessary for us to go into the minutiae, but we feel that it will be convenient if in the matter of allowing drinking privileges the criterion should be the possession of a foreign passport.

6. The facilities which we have suggested above will not in any way compromise the principle of prohibition for Indian citizens and will not cause any avoidable harassment or inconvenience to the foreigners visiting this country for a short or a long time.



CHAPTER XLI

THE BASIS OF THE PERMIT SYSTEM FOR HARD LIQUORS

Two key principles of our integrated scheme of solutions are (i) consolidating gains from prohibition, and (ii) facing squarely the evils of illicit production, etc.

In the present Section of this Report, dealing with the solution to the problem, we have been concerned with evolving an integrated solution. The key principles on which we have based our integrated solution are : (i) the major gains achieved by the policy of prohibition ought not to be sacrificed but on the other hand, consolidated; and (ii) the problems such as illicit distillation which cut at the root of this policy ought not to be evaded, but faced squarely and a plan of concerted action devised, which is based not on pious aspirations but on a realistic assessment. We have shown that the various solutions which it is customary to examine are all partial solutions and that they will become fully effective only if the profits of illicit activity are slashed. We believe this to be a very important plank of the whole strategy of containing illicit activity which we describe as enemy number one of any sensible prohibition or excise policy. Since what we believe to be one of the most important terms of reference of our Team is to suggest measures for combating illicit distillation and other abuses, we have no hesitation in recommending a direct onslaught on these abuses. If prohibition is to yield the great social benefits which are expected of it, the evils of illicit distillation, smuggling and contraband sale of foreign liquor will have to be exterminated; and at the initial stage alcoholic drinks of mild variety, in particular those which are not harmful and do not cause drunkenness in the generality of cases may be permitted under controlled conditions and the permit system for hard liquors may be strictly rationalized. We deal in the present chapter with the rationalized permit system and in the following chapter with the question of mild alcohols.

The existing Permits system is discriminatory

2. It has been a point of serious criticism that while permits are available for the consumption of foreign and Indian manufactured foreign liquor, there are no permits given on any grounds whatever, to the drinkers of hard country liquor. This in itself might not have been a serious matter, but for the fact that the drinkers of foreign varieties are generally people from the upper income and the middle income brackets, while drinkers of country liquor generally fall into lower income groups. The existing permit system for foreign varieties thus discriminates against lower income brackets. It is true that one of the aims of prohibition policy is to save the poorer sections of the community from economic ruin. But as permits are issued mainly on grounds of health and could be issued on ground of addiction and in order to avoid psychological and other harm, and since these arguments apply to poor people as well as to the affluent, it seems strange that only the well-to-do shall be selected for preferential treatment.

3. The example of the State of Maharashtra illustrates the type of permits in use and the numbers in which these permits are issued. This can be seen in Table 1.

TABLE I

The number of permits in force in Greater Bombay—1963

State	Health Permits	Tempo- rary Resident Permits	Special Permits	Visitors' Permits	Interim Permits	Tourists' Permits	Emer- gency Permits	Total
1	2	3	4	5	6	7	8	9
March 1963	6548	4037	714	1131	24	1277	9687	23418
December, 1963	9066	6306	968	10888*	255	5676	11278	44437

*Issued during the year 1963-64 upto 31-12-63.

There are seven different varieties of permits

4. There are seven different varieties of permits; (i) Special permits are given to privileged personages generally from abroad. (ii) Visitors permits are issued only for a period of a week and are renewable upto a period not exceeding one month. These are given to persons from other places visiting the State of Maharashtra. (iii) Temporary residents permits are issued to persons who would normally be residents outside the State of Maharashtra, but who are temporarily residing in that State. In general, these are issued to non-Indian personnel who have to stay in Maharashtra in pursuance of their business or work. The quantity of liquor in this case can go upto four units, a unit being equal to one quart bottle of spirits (brandy, whisky, rum or gin) or three quart bottles of wine, or 9 quart bottles of fermented liquors of strength exceeding 2 per cent of alcohol by volume or 27 quart bottles of fermented liquors of a strength not exceeding 2 per cent alcohol by volume. The recently announced policy in Maharashtra has altered somewhat the definition of a unit. (iv) Interim permits are in a negligible number while (v) tourists permits are self-explanatory. (vi) There is a category called emergency permits which are issued to any person desiring to possess brandy, rum or champagne for his own use, or the use of the household for medicinal purposes, and on emergent occasions. These permits are granted only to one member of a household at a time (not to a minor) and for a small quantity of liquor, i.e. 6½ ozs. of brandy or rum per 6 months, or 13½ ozs. of champagne per 6 months. (vii) The most important category is that of health permits. These numbered 6,548 in Greater Bombay on 31st March 1963 and 9,066 on 31st December, 1963.

Health permit has a black market price

5. Perhaps the worst abused permits of all in Greater Bombay are those issued on grounds of health on the basis of medical certificate. A black-

market exists in these permits. Individuals are available who on payment of Rs. 500 and some times less, procure health permits. The offer of substantial consideration for these permits is apt to put great strain on the integrity and honesty, both of the medical profession and the executive authority responsible for the issue of certificates and permits. It is noteworthy, however, that the increase in recent times for whatever reasons, in the State of Maharashtra, of the number of health permits has led to a reduction in the black-market prices of these health permits from Rs. 500 or so to around Rs. 100 or even less.

6. There is then the abuse of the so called emergency permits. The small quantity of $6\frac{2}{3}$ ounces which is allowed every six months to individuals who wish to keep some liquor with them for administering it in medicinal doses and for other emergent uses only serves as a camouflage for regular drinking. The small bottles in which emergency liquor is kept are emptied and refilled frequently. There is a continuous drain on these bottles and if a man were hauled up for drinking, he could take refuge behind the argument that he had drunk out of the emergency quota permit granted to him.

The misuse of liquor from other sources

7. We have also shown in Chapter XV how profitable it is to obtain the permissible quota from armed forces canteen stores and sell liquor at black market rates. In addition to these there is the liquor from ocean-going ships and other liquor smuggled through boats all along the coast line and especially in areas of large demand like Bombay City. These leakages are not being effectively coped with. Since this liquor escapes taxation and is sold above the legal retail price, the profits are extraordinarily high. In Chapter XV, we have already shown these to range between 60 per cent and 100 per cent in general and go up to 253 per cent in some specific cases even on the conservative assumption that the sales are at retail prices. At the ruling black market prices, however, the profit margins are even higher. To take an example, while the price of whisky in the army canteen is Rs. 40 per quart bottle in the retail wine shop it is Rs. 74, so that a profit margin of 87 per cent is apparent. But as no duty is paid on smuggled whisky, the cost is less than Rs. 40. On the other hand in Bombay city one can sell smuggled whisky at about Rs. 100 per bottle in the black market. A clear profit of well over 150 per cent on cost thus exists. Despite paying a high price the consumer of smuggled liquor, who has often purchased it in a hurry, is not sure whether the stuff is genuine. From the view point of the fiscal authority, contraband liquor not only causes a loss of customs duty but also a great loss of excise, sales tax and other internal duties and levies. Moreover, it causes the profits from sales to go into hands which use these once again for further illicit activity. A chain reaction and a snow-ball effect thus sets in and lawlessness is multiplied.

8. Such effort as has been made in stopping smuggling and contraband sales of foreign liquor has met with little success. This has made it clear that so long as profit margins remain as high as they are, these evils will continue. The thing to do then is to slash the profits. This can be done in part through the rationalization of the permit system.

A Rationalized permit system for hard liquors

9. At present, the justification for the issue of liquor permits is sought on medical and health grounds. We have examined closely the opinion of experts in the medical profession on this very important issue. While we are least qualified to and have no pretension whatever of sitting in judgment over the medical opinion, we have given in detail the trend of medical opinion. The scientific view cares very little about the oral use of alcohol for medicinal purposes. The only general case for permitting an individual to consume alcohol regularly is that alcohol is habit-forming, and once this habit is acquired and has reached the stage of addiction or near-addiction, great psychological hardship is caused and even some physiological harm may not be ruled out. Thus, for addicts and habitual drinkers, there is a case for continued administration of alcohol in order to relieve acute distress when craving remains unsatisfied.

Permits of hard liquors should not be given below the age of 40

10. However, it is clear that some continuity with the consumption of alcohol for a few years is necessary before addiction takes place or even a strong habit is formed. Unless a person has been drinking for some years, this cannot be true. In other words, if a man has been drinking since his early manhood, it may be that by the time he is 40 years old, he may have contracted a strong habit with 20 years of history of liquor consumption. There is thus a case for persons of the age of 40 years and above being permitted to use alcohol. But we cannot persuade ourselves to recommend permits on grounds of addiction or habituation to persons below 40 years as, in our view, the likelihood of addiction at that early age is remote. Persons below 40 years have to seek permits for milder varieties, which are referred to in the following chapter. This is also the reason why in our chapter XXXIX dealing with "Policy for Wet Areas", we have suggested that addicts and habitual drinkers of an age above 40 years may be put on a permit system for the consumption of hard liquors when these liquors are not generally available any more in those phases of the programme which are approaching prohibition.

No entertainment of new applications after specified date

11. It is necessary that the period during which applications for hard drinks should be made be specified. Preferably the last date for making such applications may be indicated. The time limit for such applications may be sufficiently long, say a year or six months, in order that the applicants may apply for the permits. It should be made clear that no further applications after the last date would be entertained for hard liquors. This concession is meant for addicts and habitual drinkers of 40 years of age and above who can satisfy the Board that they cannot overcome the craving for drink. This is on the assumption that persons who complete the age of 40 after the prescribed date have not become addicts and will not need hard liquor permits. We do not, however, consider it advisable to fix a final date for those who wish to apply for mild liquor permits.

Legislature should not confer status of health giver on alcoholic drinks

12. We are aware of certain statutory provisions which provide for the grant of permits on grounds of health. When medical scientists have not credited alcoholic beverages with any curative properties or have not

regarded them as preservers or maintainers of a person's health, the conferment on these beverages of the status of health-giver, preserver or restorer, by the legislatures, is illogical. No legislature should give recognition to liquor when medical science denies it. A drink which is not conducive to health cannot be permitted on grounds of health. It is, however, conceivable that sudden stoppage of drink in the case of an addict may produce acute distress and unpacified craving. Grant of permit may be confined on medical grounds to such persons only.

Governing factors should be specified

13. Apart from considerations of age and addiction or habituation, there are some other constraints which ought not to be forgotten in permitting drinks. The major constraint is, of course, economic and it would be a calamity if hard drinks on whatever grounds, were permitted irrespective of the economic impact of drinking on the consumer. The factors that seem relevant to any consideration of a permit system for hard liquors are:—

- (i) the grounds for the permit;
- (ii) the age of the consumer;
- (iii) the income and the other family aspects, such as the number of dependants etc.
- (iv) the quantity of consumption allowed per unit of time.
- (v) the authority issuing permits.

Basis for Permits

14. We have, for dry areas, the following recommendations with respect to the operation of the permit system for hard foreign liquors and IMFL.

- (i) Permits should be given on grounds of addiction and habituation;
- (ii) Permits should be issued for hard liquors to persons of the age of 40 or above. These permits are not issuable to new applicants after a specified date.
- (iii) Further, the level of income, the number of dependants and other circumstances ought to be considered while issuing a permit. Below a certain level of income—and we suggest the minimum level to be Rs. 500 per month—hard liquor permits ought not to be issued to an individual with an average family of five persons including himself to support. If the number of dependants is more than five including the applicant, then the minimum income which qualifies for a liquor permit should be enhanced in such a way that every single addition to the number of dependants raises the minimum income which qualifies for a permit by Rs. 100 per month. That is to say if an individual has six dependants including himself, he must have an income of Rs. 600 per month and if he has seven dependants including himself, he must have an income of Rs. 700 per month, in order to qualify at all for the permit. It may seem somewhat discriminatory that we should be relating liquor requirements to minimum income and number of dependants. But this step is necessary in the economic interest of the consumers of liquor and their families.

- (iv) Once the qualifying level of income relative to dependants has been shown to have been achieved, the quantity of liquor permitted may be varied, subject to a maximum, based upon the circumstances regarding income, dependants and other factors, such as degree of addiction and habituation. We have no objection to that particular aspect of the policy recently announced in the State of Maharashtra which deals with the definition of a unit of liquor. A unit may be defined as one quart bottle of spirit, or 4 quart bottles of wines, or 12 quart bottles of fermented liquors. An individual depending upon whether he just fulfils the income and other qualifications or fulfils them with a big margin and whether his requirements are small or large, may obtain 1 to 4 units, barring exceptional circumstances when the issue of 6 units may be considered;
- (v) We are not in favour of that aspect of the recent policy declaration of the Maharashtra Government which allows the issue of a permit to persons above the age of 40 on the production of a certificate from any registered medical practitioner. It is difficult to conceive of any one being refused a certificate by a registered medical practitioner. If one practitioner did refuse another would be readily forthcoming and even a financial consideration may not be ruled out. As the matter is not merely determinable by the medical profession, but also by considerations of social circumstances, we suggest that a board consisting of a nominee of the executive authority (say, the prohibition department or excise department), a reputable social worker and a representative of the medical department should examine the applications for permits.
- (vi) There are certain categories of persons who, under no circumstances, can be given hard liquor permits. These are persons who are engaged in hazardous occupations and are looking after machines and are working in the factories. They will also include automobile drivers, aviators and a host of other persons responsible for the safety of large number of people. It is suggested that while entertaining applications for permits, the applicant must enter in an appropriate column his occupation and what he is doing for his livelihood. That will give an idea as to whether his occupation is hazardous or otherwise involves responsibility for the life and safety of others. Other methods of ascertaining this firmly ought also to be devised.

CHAPTER XLII

THE ECONOMIC CONTAINMENT OF ILLICIT DISTILLATION: THE CASE FOR MILD LIQUORS

Mild alcoholic beverages are to be allowed under controlled conditions

The abuse of prohibition law takes place with respect to liquors of foreign variety in three different ways: (a) through the abuse of the permit system, (b) through leakages from army etc. canteens, embassies, legations, etc., and (c) through smuggling and contraband sales of liquor and other alcoholic preparations. If the phenomenal profits of these activities and of illicit distillation are to be eliminated, mild alcoholic beverages will have to be allowed under controlled conditions. Several types of mild alcoholic beverages can be considered for this purpose.

2. There is a variety of alcoholic preparations such as toddy, sendhi, lugdi, ciders, beers and some light wines which contain an alcoholic percentage of less than 5, and in many instances much less than 5, which could be allowed under controlled conditions which we are going to spell out presently. Whether these mild alcoholic drinks are to be allowed with or without a permit depends upon the nature of the drink. But it has to be understood that the object of this liberalisation of mild alcohols is not to cater to the needs of addicts and habitual drinkers as in the case of hard liquors but to contain and reduce the widespread prevalence of illicit distillation, and to shift a large proportion of illicit drinkers from hard and harmful to light and relatively harmless alcoholic drinks.

3. We are aware of the fact that several issues have to be faced here. But the important thing is to face them instead of shirking them and thus move towards the achievement of the primary objective, namely, the containment of illicit drinking of hard liquors which are the ruin of a poor country both in financial terms and in terms of health and social degradation of many varieties.

Will the drinking community prefer beverages of less than 5% alcohol ?

4. One of the important issues we have to face is whether, consequent upon permitting these varieties of liquor of an alcoholic concentration of less than 5 per cent, the drinking community will or will not shift to these permitted varieties. It has been stated by many that people who are used to hard drinking, that is to say, drinking of liquors of heavy alcoholic concentrations, will not care for these permitted varieties, because of the low alcoholic content and the absence of 'kick' in the drink. If this be true, the illicit distiller will flourish as well as before and no dent will be made into his profits. We do not, however, believe this proposition to be true. We reckon that there are at least two sections of the community—and these are fairly large sections—which will take to the permitted mild varieties of alcohol. (1) There are those who would, in any case, have preferred mild to hard alcohols and are unable to do so in the present dry set-up because mild alcohols are not legally available. They are, therefore, perforce consuming hard contraband liquors. This is a great pity, inasmuch as this

section could be saved from hard liquors by making available to it milder alcoholic drinks. (2) There is another segment of the drinking community which may not normally care for soft liquors of less than 5 per cent concentration but prefers harder varieties. Nevertheless, they would any day prefer to consume that which is legal and permissible, even though it is not entirely to their taste, rather than that which is illegal and contraband. Thus owing to the force of law they will be prepared to shift their preference from hard to soft beverages just because the latter are permissible.

Shift to mild alcohols will hit illicit distillation and other illegal activity

5. Taking these two groups together—that is to say those who would prefer soft alcohols any way and those who normally like hard drinks but would be prepared to shift their preference to mild but licit drink—we are inclined to the view that a large section of the drinking community will be induced to shift from hard to soft alcoholic liquors. If this be true we should fancy that a great inroad will be made into the business of contraband liquor production and that containment will come about to which we have been repeatedly alluding while discussing the remedies suggested in previous chapters.

There is some empirical support for this belief

6. We have already seen some empirical support for this belief. We have examined in an earlier chapter, the pattern of drinking in Delhi and found that 42 per cent of liquor sales in the licit market were mild alcoholic beverages. In the armed forces too which represent a cross-section of many regional, linguistic, religious and other divisions of the population, we found that as many as 58 per cent of the quart bottles sold were of beer. We do not say that what is true of Delhi population and of the army need be necessarily true of the drinking community as a whole; but we see as a first approximation that the demand for softer varieties of alcohol such as beer works out to be a high percentage of the total demand for alcohol. We thus have reason to believe that those who prefer light alcohols are by no means a small percentage of the drinking community.

7. We should have been happier if mild liquors of less than 5 per cent alcohol could be issued to persons above the age of 40 only so that the creation of new addiction or habituation could be safeguarded against. However, after a very close examination of the issue, we are obliged to say that in the case of light alcohols, the permissible age limit may not be lower than 30 years. In doing so, the vulnerable and the youthful section of the community including students and young workers will be kept away from drinking.

Age limit for mild alcohols should be 30 years

8. There are many reasons why the age limit for mild alcohols has to be reduced to 30 years. We present in Table 1 the age distribution of the all-India population of 1961 as well as of the Maharashtra population of the same year. In Table 2 is given the age distribution of the drinking population in Delhi from the study undertaken by the Delhi School of Social Work. It is clear from the Maharashtra figures, which stand in very close relation to the All-India figures, that half the population belongs to ages less than 20 years and may be presumed not to be drinking at all. If the

TABLE 1

Age Distribution of 1961 Population

Age (years)	All India		Maharashtra	
	Popula- tion (in lakhs)	% of total	Popula- tion (00's)	% of total
0—4 . .	725	16.55	63,377	16.02
5—9 . .	579	13.21	52,781	13.34
10—14 . .	497	11.34	44,855	11.34
15—19 . .	430	9.81	38,639	9.77
20—24 . .	380	8.67	34,856	8.81
25—29 . .	343	7.83	32,289	8.16
30—34 . .	303	6.91	28,308	7.16
35—39 . .	257	5.86	23,331	5.90
40—44 . .	216	4.93	19,605	4.96
45—49 . .	180	4.11	16,032	4.05
50—54 . .	146	3.33	12,881	3.26
55—59 . .	114	2.60	10,022	2.53
60—64 . .	85	1.93	7,414	1.88
65—69 . .	57	1.30	4,917	1.24
70 & over .	71	1.62	6,230	1.58
	4,383	100.00	3,95,537	100.00

Source : Census of India, 1961.

TABLE 2

Age Distribution of Delhi Drinkers (1963)

Age group	Drinkers of country liquor		Drinkers of foreign liquor or IMFL		All drinkers	
	No.	% of total	No.	% of total	No.	% of total
10—19	3	0·36	6	1·02	9	0·64
20—29	210	25·58	180	30·82	390	27·76
30—39	281	34·23	185	31·68	466	33·17
40—49	183	22·29	143	24·49	326	23·20
50—59	87	10·60	49	8·39	136	9·68
60—69	42	5·11	21	3·60	63	4·48
70 and above	15	1·83	..	..	15	1·07

Source : Delhi School of Social Work.

age distribution of the drinking population (those above 20 years) is taken to be the same as the age distribution of non-drinking population, it can be seen that 13 per cent of the population (or 26 per cent of drinkers) concentrate within the age group of 30 to 40 and a little less than 15 per cent of population (about 29 per cent of drinkers) within the age group of 40 to 60 years. In other words, nearly as many people belong to the age group 30—40 as to the age groups 40—60 years. The result is that if liquor is made available only to the age group 40 and above, a very large segment of the drinking population is left outside the purview of permitted mild liquors and this large group will perforce chase hard illicit liquor. This means that hardly any dent will be made into the problem of illicit distillation and smuggling.

Age distribution in Maharashtra and Delhi suggests large demand for drinks from ages 30 to 40 years

9. The same story is revealed by the figures of Delhi drinkers. Here too, it is clear that as many as 33 per cent of drinkers belong to the age group 30 to 40 and almost exactly the same percentage belongs to age groups 40 to 60. It is certain that the demand for drink comes as much from the age group between 30 and 40 as from the age groups between 40 and 60 years so that the objective of the policy, namely, containment of illicit activity will not be met by confining the permits to ages above 40.

Population in the ages 20 to 30 years must be protected

10. It is true that the concentration of population in the age groups 20 to 30 is also large. 17 per cent of Maharashtra population, i.e., about 34 per cent of the population above 20 years age, is in the age group 20 to 30.

But drinkers in this age group cannot be said to be 34 per cent. In fact Delhi data of 1,405 sampled drinkers shows 28 per cent of drinkers as belonging to the 20—30 age group, compared to 33 per cent in age group 30—40 and another 33 per cent in the 40—60 age group. In any case the population in the 20—30 age group is young and vulnerable both socially and economically. It is not yet fully settled in life and often has either precarious earnings or none at all. It includes students or young workers who ought to be protected against evils which they may be ready to adopt very soon but may not easily fathom the consequences thereof. There is thus no point in lowering the permissible limit below 30, for this may be full of serious consequences. In any case the bulk of the demand for liquor comes from the ages 30 and above which account for 33 per cent of all population (or 66 per cent of population above 20 years age) according to Maharashtra census figures and about 72 per cent of drinkers according to the data of the Delhi study.

Recommendations about mild liquors

We thus recommend that :—

- (i) the consumption of mild alcoholic beverages of the foreign variety containing less than 5 per cent alcohol in volume may be permitted under controlled conditions, the objective being not to satisfy the addicts and the habitual drinkers but to contain illicit distillation, smuggling and contraband sale;
- (ii) the age-limit below which permits ought not to be issued should be fixed at 30 years;
- (iii) the quantity of liquor permitted under this category should be restricted to three units per month, a unit having been defined as 12 quart bottles of beer of 5 per cent alcoholic content by volume. Among other light liquors, such as ciders and light wines, provided they are of less than 5 per cent alcoholic strength, a scale of equivalence in terms of quart bottles or other bottles can be established in such a manner that the total volume of alcohol in these bottles should not exceed the volume of alcohol in 12 quart bottles of beer of 5 per cent alcohol;
- (iv) the authority to issue permits for light liquors of the foreign variety need not be a board but only a nominee of the executive authority (an official of the prohibition or excise department at each of the district headquarters and a larger number of such officials in larger cities).

CHAPTER XLIII

CASE FOR LIBERALISATION OF TODDY

Special case for Toddy

We have dealt in some detail in an earlier chapter with the problem of toddy and neera. We are cognisant of the fact that toddy drinking is violative of the policy of prohibition and, therefore, ought not to be countenanced. We, however, feel that toddy drinking cannot be effectively stopped at one stroke. There are special reasons for suggesting a lease of life for toddy for a decade or so. During this period, efforts can successfully be made for controlling and progressively restricting the consumption of toddy.

Illicit tapping and abuse of neera takes place in many different ways

2. Not only illicit tapping of palm trees but also the abuse of neera has been shown to be a common phenomenon in many dry areas. Neera is misused in the following manner: (i) by the illicit tapping of toddy trees and other palm trees and allowing the juice to ferment; (ii) by evading the regulation which enjoins upon tappers to coat with lime the utensils in which neera is collected so that fermentation may be delayed; (iii) by extending the period of sale beyond the specified time limit; say 2 p.m. so that fermentation increases; (iv) by putting fresh neera in the same utensils which contained fermented toddy of an earlier occasion so that the fresh liquid gets fermented even within the specified time limit for sale; and finally (v) by diluting neera or toddy through mixing water, etc. and then adding chloral hydrate which is a sedative and hypnotic and could be dangerous if taken frequently or in quantities beyond a certain limit.

3. Thus, the complete control of the use of toddy and the abuse of neera is not easy even in normal circumstances and less so when the lower rungs of the administrative machinery are slack or when, as often happens, are in league with the tappers.

4. Moreover, illicit arrack which is securing a foothold is far more dangerous and mischievous than toddy which comparatively is a lighter drink. If the states were to pursue a policy of liberalisation for a short time in respect of toddy, there are some chances of illicit distillation of arrack being kept at a low level. Toddy drinking is likely to minimise consumption of illicit arrack. The problems relating to toddy, as discussed in Chapter XX present a formidable challenge to administration. We, therefore, feel, though with considerable reluctance, the desirability of relaxing for some time the restrictions on consumption of toddy. We do not think that it should be made free but its consumption may be subject to certain conditions. After anxious consideration, we suggest that toddy may be allowed to be served subject to the following safeguards:

Some conditions for Today drinking have to be specified

- (i) a ceiling of 5 per cent. alcohol in bulk should be fixed;

- (ii) the production and the sale of toddy should be under government control;
- (iii) wherever possible, bottling to guarantee standard, and refrigeration to stabilise alcoholic strength should be provided;
- (iv) the drink may be consumed only at the place of sale and not be allowed to be taken home;
- (v) the quantity of toddy that can be served to an individual should be suitably limited and the vendor or barman should be under statutory obligation not to violate this condition;
- (vi) the price of toddy and the tax element if unavoidable should be kept as low as possible with a view to dissuade people from drinking distilled arrack which has high alcoholic strength;
- (vii) drinking should be allowed only within regulated hours;
- (viii) steps should be taken to remove the possibility of stale drink being served or of injurious substances being mixed;
- (ix) the production and sale of toddy within a radius of 5 to 10 miles of palm gur centres should be stopped; and
- (x) there should be an age limit of 21 years below which no consumer may be served toddy.

As to liberalisation of toddy, the minimum age of the person to whom toddy may be served has been stated by us to be 21 years. We wish it were possible for us to raise this age to 30 years. We have been given to understand by a number of administrations in the different states that this would be impracticable. However, we do hope that it will be possible for some of them to ban toddy to persons below 30, so that the more impressionable and the vulnerable young people may be kept from toddy drinking.

No relaxation in Gujarat and Madras जयपुर

5. The suggestions which have been given above are not intended to be adopted by the states of Gujarat and Madras. The Government of these two states are by and large satisfied with their enforcement of total prohibition. The leakages whether in the form of toddy tapping or illicit distillation or smuggling are comparatively not beyond control. Despite breaches, the enforcement of prohibition has to its credit substantial gains and there is no point in throwing away the benefits derived so far. We will not, therefore, recommend any change on the lines suggested in para 4 above.

The case of Maharashtra for liberalisation of toddy

6. The case of Maharashtra which is the third wholly dry state is not comparable with Gujarat and Madras. The administration there feels that it has not been able to overcome the impediments. There are also other states which are partially dry and where also it is felt that the abuses are extensive, illicit distillation large, the price of illicit liquor high and the profits for the bootleggers phenomenal. For such areas, the controlled consumption of toddy as envisaged in para 4 above is recommended.

Of course, if any particular state feels convinced that it can successfully and effectively ban toddy, its position would be like that of Gujarat and Madras.

Safeguards

7. In order to give effect to these proposals, certain safeguards will have to be built into the system for the production and supply of toddy.

Uniformity of Law

(a) The uniformity of law and rules in the country will prevent smuggling and other malpractices and will facilitate joint action by the enforcement agencies of two or more states.

State control

(b) If it is feasible, the state should handle the production and distribution of toddy. Thereby, standards can be maintained; alcoholic strength will be uniform; and the likelihood of adulterating toddy with deleterious substances, like chloral hydrate, will be eliminated.

Toddy Tapping Licences During Good Behaviour

(c) We think that licences should be given to tappers and vendors of toddy during good behaviour.

Tender System Preferred to Open Bidding

(d) We prefer in this connection a system of tenders to the alternative system of bidding for licences: the advantage of the former being the maintenance of some discretion on the part of the authority granting licences. Thus, while profit principle for the state can be retained as one of the elements in granting tenders, any cut-throat competition by bidding against each other can be avoided so that the price of toddy does not rise to a level which again brings about a shift towards hard country liquor and hence boosts up the activity of illicit distillation. Yet another advantage of tenders is that the licence of the previous contractor can be continued despite a lower tender if the executive authority is satisfied with his good behaviour in the past and if evils like adulteration, mixing of harmful substances like chloral hydrate and over-serving drink in vend shops have been absent. In a system of open bidding, there is no guarantee that the previous holder of the licence would continue to hold it, so that the motive of shunning abuses is at a heavy discount. On the other hand, there is an unhealthy desire to make quick gains through adulteration and other malpractices while the going is good. If it is well known that a high quotation and profit to the government is not the only matter which will determine the renewal of the licence, but that the compliance with the rules, the observance of the conditions, the maintenance of quality and high standard of cleanliness, preservation of hygienic standards and the avoidance of adulteration will be duly rewarded with the renewal of the licence, there would emerge an effective incentive towards honest dealing and avoidance of malpractices. There is far greater possibility, of safeguarding the health of the community and inculcating healthier habits among buyers as well as sellers of liquor through a system of tenders combined with a judicious use of discretion on the part of the executive authority than the bidding system can ever provide.

The special case for scheduled tribes and Adivasis

8. The age-old habits and customs of the Adivasis and other tribal people regarding the drinking of alcoholic beverages present a problem which is *sui generis*. The tribals have led an insulated existence and they have not borrowed the custom and manners of others. They have been resisting the impact of later civilisations and have preferred their own way of life whether living in isolation or in the proximity of others. We will not be far wrong if we were to style their tribal cells as an *imperium in imperio*.

Statewise population of scheduled tribes

9. The total population of the scheduled tribes according to the 1961 Census is 2.99 crores. We give below the state-wise distribution of the scheduled tribes:

Population of Scheduled Tribes (1961 Census)

State/Union Territory	Scheduled Tribes
INDIA	2,98,83,470
States	
Andhra Pradesh	13,24,368
Assam	20,68,364
Bihar	42,04,770
Gujarat	27,54,446
Jammu and Kashmir	..
Kerala	2,07,996
Madhya Pradesh	66,78,410
Madras	2,52,646
Maharashtra	23,97,159
Mysore	1,92,096
Orissa	42,23,757
Punjab	14,132
Rajasthan	23,09,447
Uttar Pradesh	..
West Bengal	20,63,883
Union Territories and Other Areas	
Andaman and Nicobar Islands	14,122
Dadra and Nagar Haveli	51,261
Delhi	..
Himachal Pradesh	1,08,194
Laccadive, Minicoy and Amindivi Islands	23,391
Manipur	2,49,094
Nagaland	3,43,697
North-East Frontier Tract	5,042
Pondicherry	..
Tripura	3,60,070

In the context of prohibition, their habits and customs cannot be left out of account.

Greater emphasis on education than coercion

10. Use of fermented liquors has been a part of their life from time immemorial. It has been a symbol of hospitality and is also offered to their deities. Drinking by them is not associated with any impropriety or immorality. Home made brews are a part of their daily dietary. Any interference with their drinking customs is felt by them as an inroad into their way of life. They resent and even resist the efforts of the administration either to wean them from drinking or to subject them to punishment for contravention of liquor laws. Their living conditions are sub-normal, poverty is grinding, health is extremely poor and their standard of life is almost primitive. Interference with their drinking habits through coercion will be a gratuitous cruelty. In the order of priority, their first problem is economic; second health; and the third, social education. It is, however, true that drinking among the tribals has often led to fights and brawls, sometimes ending fatally. Drink has also interfered with their earnings as under its influence, they incapacitate themselves from engaging in regular work. We were told by an M.L.A. in Madhya Pradesh, who was a representative of scheduled tribes that because of addiction to drink, some Adivasis who were comparatively affluent and owned land became impoverished. In their case, we cannot counsel either coercion through law or an unmitigated licence. They cannot be entirely left alone or subjected to the rigours of penal discipline. A change has to be brought about in their mental approach and social outlook. This can best be done through the more enlightened members of their community to whose word of advice they are likely to pay more heed than to the pressure of law. Education and propaganda, which has to be adapted to their standards, making allowance for their habits, inclination and psychology, and imparted through their own key men who are their leaders, is bound to have good effect though the process is likely to be slow. Even propaganda has to be indirect so that by comparison and understanding, they may be in a position to draw their own inference that they stand to improve their condition by eschewing drinking. In the case of Adivasis and scheduled tribes, we would counsel a go-slow policy of *festina lente*—hasten gently. They have to be broken in gradually. We, therefore, suggest the following measures:

Suggested concessions:

- (i) Those Adivasis or scheduled tribes with whom drinking is traditional, may not be prohibited from brewing such beverages to which they have been accustomed provided they brew for their own consumption and not for sale. They are used to fermented beverages in which alcohol is self-generated, e.g. toddy, chhang, lugdi, and other local varieties. These drinks are comparable to beer and have a low alcoholic strength.
- (ii) They must not raise the alcoholic strength by adding strong catalytic agents, such as, ammonium sulphate, 'navsagar'. No indulgence should be granted to them for making arrack or any other liquor by a process of distillation.
- (iii) For serious crimes committed under the influence of drink, no leniency need be shown on the ground that in order to commit offence, the accused had primed himself with liquor, in order

to fortify his mind for the crime which, when sober, he would have hesitated to commit.

11. The relaxation suggested above need not be universal and in the dry areas where as a consequence of educational work among the scheduled tribes spread over years, the drinking habit has been overcome, the temptation to drink may not be offered anew. The states which are satisfied that no relaxation of prohibition in the case of scheduled tribes living there is called for, need not liberalise drinking facilities.



CHAPTER XLIV

A CRITIQUE OF THE RECENT LIQUOR POLICY ANNOUNCED IN MAHARASHTRA

Team's two visits to Maharashtra

The team paid two visits to Bombay. The first visit was in the month of June, 1963 when the late Shri M. S. Kannamwar was the Chief Minister. In the month of January 1964, a new policy statement was announced by Shri V. P. Naik. On 3rd and 4th February, 1964 we had two meetings at Bombay, with the Chief Minister, at which were present the Home Minister, the Prohibition Minister, the Industries Minister, the Home Secretary, the Deputy Secretary (Home) and the Director of Prohibition & Excise. The various points raised in the policy statement as also some allied matters were discussed. We have given expression to our views about some of the features of the new policy in the earlier chapters. We, however, think that it will be appropriate if we devoted a separate chapter to the 'rationalisation' of prohibition policy in the Maharashtra State as announced by the Chief Minister.

New Policy Statement

2. We reproduce below the policy statement as issued by the present Chief Minister.

"Policy statement issued by the Chief Minister on the 31st December, 1963 in regard to the rationalisation of the Prohibition policy

- (1) At the outset I would like to make it clear that the Government does not propose to change the basic policy of Prohibition which has been pursued in this State for so long; it stands by the Directive Principle of our Constitution.
- (2) However, the experience of the implementation of this policy over the last 14 years compels us to take a more realistic and rational view of the situation as it has developed. We find that the biggest factor which works against Prohibition is not the consumer who is only the victim of the evil of drinking but the illicit distiller, the bootlegger and trafficker. The Government is, therefore, anxious to shift the emphasis in its policy of implementation of Prohibition from the consumer to the illicit distiller, the bootlegger and the trafficker and for this purpose we propose to initiate necessary action for their suppression by more deterrent punishment.
- (3) After the most careful consideration we have also decided to create certain conditions which will make their operation difficult. But this cannot be done only by relying on the arms of the law which in any event cannot reach every culprit but we should, in addition, make it unprofitable for these anti-social elements to indulge in their evil practices which are ruining the lives of thousands of our poor and innocent citizens.

The Government is hopeful that by making the following modifications in our implementation of Prohibition it will be possible for us to achieve this objective to a considerable extent.

- (i) Beverages with an alcoholic content not exceeding 3.5 per cent will be made freely available.
- (ii) If toddy with alcoholic content not exceeding 3.5 per cent can be made available, it will be sold freely under Government control.
- (iii) Again, Government is more interested in saving the younger generation from the evil of drink, than in attempting to reclaim confirmed addicts by merely punitive or restrictive measures. We propose, therefore, to liberalise the issue of permits to persons above 40; such permits shall be issued on the basis of (a) the applicant's declaration that he requires it for maintenance and preservation of his health, and (b) a certificate of his private medical adviser to that effect. In the case of persons below 40 years of age the present system of permit issue shall continue.

The permits may be for a maximum quota of two units for the age group 30 and below; three units for the age group 30 to 40; and four units for persons above 40 years.

Again, in place of the present equivalence the following formula will be introduced viz., one unit will be equal to one bottle of whisky or other hard liquors, or equal to four bottles of wine or equal to twelve bottles of beer.

Furthermore, for permit holders of the age group of 30 years and below renewals shall be on medical examination but renewal for permit holders of the age group of 30 years and above shall be on the basis of a private medical adviser's certificate.

Similarly, the period of validity of permit for persons up to the age of 40 years shall be one year and for permit holders of 40 years and above, the validity of permits shall be for a period of two years.

- (iv) In order to meet the demand which is likely to arise as a result of this rationalisation, it will be necessary (a) to permit manufacture of potable liquor indigenously by sugar factories and breweries in the State and permit conversion of products like grapes into wine and other beverages; and (b) to suitably increase the number of licensed wholesalers and retailers in liquor.
- (4) Finally, I would like to emphasise that Government is not interested in making money out of the evil of drinking; on the contrary, revenue collected from the economically weaker section shall be spent on the implementation of prohibition by making our propaganda and persuasion more intelligent and effective and by introducing many welfare schemes which will keep the people away from the evil of drinking. Such further steps as may be necessary to protect the interest of the economically weaker section of society will be considered by the Government in due course.

- (5) In the case of foreigners, we shall increase their quota to 6 units and Government shall devise administrative measures so that the foreigners could entertain or be entertained by Indians within the limits of our policy.
- (6) I am confident that all these steps will help the Government in checking substantially illicit distillation, bootlegging and trafficking in liquor which has assumed of late serious proportions and that with the help and co-operation of our people, who are conscious of the harmful effects of the evil of drinking, we shall succeed, in course of time, to achieve the goal of Prohibition as set out in our Constitution."

The new amended rules

3. Subsequent to the announcement of this policy, the Government of Maharashtra has notified the amended rules regarding foreign liquor. From the summary appearing in the newspapers, an applicant who is not less than 40 years old will be granted a permit for four units of foreign liquor. A unit for this purpose is 1 quart bottle of spirits or four quart bottles of wines or 12 quart bottles of fermented liquor. A permit-holder who is not less than 40 will be given a permit on production of a certificate from any registered medical practitioner. In the case of an applicant who is less than 40, a permit will be granted only when the area medical board certifies that he must take liquor for the maintenance of health.

Government's policy statement of July 1963

4. By way of contrast, we give below an extract from a Government publication in Marathi (Darubandi Prayatna Va Yash: Efforts for Prohibition and its Success) published by the Maharashtra Government in July, 1963. The English translation runs as under:

No change in Prohibition Policy.

"Forceful propaganda in certain quarters that toddy and such other drinks are to be freely allowed as preliminary step for scrapping or modification of prohibition policy by the newly formed Maharashtra State after the bifurcation of Maharashtra from the Bombay composite State, is without any foundation. This was emphasised in official statement by Shri Yashvantrao Chavan, the Chief Minister as well as in Government publications. Prohibition policy has progressed well in the major section of society, especially in the labour population, for whom it was undertaken, and therefore there is no reason for reconsideration of this policy.

"The modification of taking toddy and such other drinks beyond the purview of prohibition law is inconsistent with the policy of prohibition as it affects the agriculturists, agricultural labourers and industrial labourers in cities and as it is very harmful to them."

दारुबंदी घोरानन बदल नाहि

द्वैभाषिक मुंबई राज्याचे विभाजन होऊन महाराष्ट्र राज्य आकाराम आल्यानंतर महारा राज्य हे दारुबंदीचे घोरण रद्द करणार आहे अथवा दारुबंदी नाहीशी करण्याच्या

दृष्टीने पूर्वतयारी म्हणून ताडी व माडी मोकळी करून या बोरणात निदान फेरकारतनी करणार आहे अशा तऱ्हेचा जोरदार प्रचार काही ठिकाणी करण्यात आला होता, पण या प्रकारचा कोणताही बदल करण्याचा शासनाचा विचार नसल्याचे श्री यशवंतराव चव्हाण यांनी आपल्या निवेदनद्वारे स्पष्ट केले होते व तशा अर्थाची सरकारी पत्रे प्रसिद्ध करण्यात आली होती।

बहुजन समाजात विशेषतः श्रमिक वर्गात दाखबंदीच्या कार्याची चांगली प्रगती झाली असून ती सरकारच्या निदर्शनास आली आहे। आणि म्हणून या घोरणाचा पुनर्विचार करण्याचे काहीच कारण नाही। गोडी माडी किंवा माडी व ताडी मोकळी करणे हे दाखबंदीच्या घोरणाशी विसंगत असून ज्यांच्यासाठी मुख्यत्वेकरून दाखबंदी अस्तित्वात आणली अशा शेतकऱ्यांच्या, शेतमजुरांच्या आणि शहरांतील कामगारांच्या दृष्टीने ते अनिष्ट ठरणार आहे।

It is not easy to harmonise the two policy statements of the Government separated by an interval of five months. Upto July, 1963, the Government had no intention of relaxing prohibition or of modifying its policy. The Government felt satisfied with the progress made by prohibition in the major section of society and particularly, among the labour population. In the December statement it has been announced that the experience of the implementation of the policy of prohibition over the last 14 years has compelled the Government "to take a more realistic and rational view of the situation as it has developed". The two statements—one optimistic and the other rather pessimistic—disclose a contrariety which we find it hard to reconcile.

Discussions with the former Chief Minister and his colleagues

5. When the Team was in Bombay in June, 1963, it had discussions with the then Chief Minister and four of his colleagues. The late Shri M. S. Kannamwar had expressed the view that if drinks with lower alcoholic content were made available at cheap rates, illicit distillation would still continue because the drinkers would need stronger liquors. He was of the view that prohibition had benefited rural population and labour to a great extent. His emphasis was that the policy should be uniform in the country; otherwise, the problem of smuggling would remain. According to him, the hesitation on the part of the wet states or the go-slow or stand-still liquor policy was presenting a problem to the states which were already dry. In the case of foreigners he advocated liberalising the liquor permits.

One of the Ministers expressed the view that prohibition had benefited the poorer sections of the community. A number of labourers, he said, had started bringing their families to Bombay; more children had started going to schools and their general standard had gone up. There was less of absenteeism after prohibition.

Another Minister thought that the policy of prohibition should be relaxed and that temperance offered a better solution. He was also of the view that the strength of liquor should be low and that it should be available at reasonable price as thereby illicit distillation would be reduced.

Another Minister we met thought that the prohibition policy needed rationalisation. An alarming feature was that the youth were being employed by the boot-leggers for various operations relating to illicit distillation and this was having a detrimental effect upon morale. He laid great emphasis on educative and persuasive methods by properly trained social workers.

He was of the view that the illicit distiller should be fought on the economic front and not merely on the punitive front. He also thought that permits for wholesome and cheap liquor should be issued with a view to take away the custom from the illicit distiller.

Yet another Minister we met felt that the problem of drink in the country was principally that of the poorer classes who contributed most to the drink bill although they could ill-afford to. Regarding the policy of the wet states, he said that if a particular state was to give up a revenue of Rs. 20 crores it should realise that it was really putting Rs. 60 crores into the pockets of the people. He was convinced that the policy should be aimed at the illicit distiller and the trafficker.

Discussions with the present Chief Minister and his colleagues

6. During the course of the discussions with the present Chief Minister and his colleagues, emphasis was laid on the fact that the object of the new policy was to deprive the boot-legger of his custom. For that purpose, it was considered that a larger number of permits and the availability of liquor at cheap price would divert the consumer from the illicit distiller to the licit source. It was said that it was not the object of the Government to raise revenues. The officials were doubtful whether beverage of 3.5 per cent strength would catch up. It was hoped, they said, that profit motive would operate and new manufacturers would come in to make wines from grapes. Thus, the craving of a large percentage of people who were otherwise, respectable, educated and intelligent would be satisfied by mild alcoholic drinks and they would be saved from the boot-legger. As the strength was low, they would not become drunkards. There was, however, no guarantee that the scheme of making available mild alcoholic liquors of less than 3.5 per cent alcohol would be a success in diverting people from the illicit distiller. Nevertheless the Government was confident that by the proposed new policy, the boot-legger would be hit hard. Opinion was expressed that disrespect for law had grown, that gangsterism was on the increase, that its activities had become a menace to the peace loving citizens and that the enforcement agency was being corrupted. They felt that a very large number of convictions had not deterred people from committing offences against the prohibition law and in order to check the attitude of law breaking, there should be some liberalisation of the availability of drink. Illicit distillation was said to be rampant at present in rural and urban areas and control over raw materials was not possible.

Gains not consolidated

7. In the light of our observations and policy recommendations in the three previous chapters, it is possible to examine and evaluate the new liquor policy announced by the Government of Maharashtra early this year. We have observed that the objective of any consistent liquor policy should be to consolidate the gains of prohibition achieved so far on the one hand and to face squarely the evils arising out of the past performance of the policy on the other. It is not at all certain that the new Maharashtra policy is based on the first and the fundamental principle of consolidating the gains, although it is stated to emerge from considerations of the containment and eradication of illicit distillation. We are not sure that this policy, if divorced from the basic principle of consolidating the gains, will not amount to throwing the baby along with the bath water.

The permit system gets perpetuated

8. It is true that the policy will bring some financial gains of limited and doubtful value. If liquor permits on health grounds which now stand at a figure somewhat less than 10,000 were increased to 25,000 and a charge of Rs. 20 per permit (along with a charge of Re. 1 for the application form) were made, a sum of more than Rs. 5 lakhs could be collected. This could be a recurring amount and would perhaps even increase year after year as more and more persons join the age group above 40 years. But it is worth commenting upon that as permits for hard liquors will be given to persons below the age of 40 years also; and since mild alcoholic drinks will be freely available without permits, there is no guarantee that new addicts will not be created. As a matter of fact, given these two conditions, there is reason to believe that every year a growing number of addicts will be created and will pass into the age groups above 40, so that the permit system on grounds of addiction and habituation is likely to get perpetuated rather than decline in importance and get abolished in course of time.

Revenue gains inconsequential if tax is low

9. As for revenue, we must emphasise that the case for prohibition has never been based on revenue considerations. Compared to loss of several crores, the small receipts of a few lakhs which the State Government is now contemplating, seems much too meagre a gain to aspire for. In any case the statement that it is proposed to divert additional revenue to the ends of propaganda and welfare schemes is quite out of focus as the requirements of persuasive and educational programmes and of welfare schemes are far greater than a few lakhs which could be available through liquor excise with low tax rates.

No case for continuing permits on medical or health grounds

10. The logic on which the permit system is based in the new Maharashtra policy seems to us to be quite unacceptable. We have already shown how there is a near unanimity in the medical profession on the question of non-utility of alcohol administered orally as preserver and promoter of health. We have stated how there hardly exists any case for issuing permits to individuals for a considerable length of time on medical grounds alone. It is clear that the only case for a continuing permit is on grounds of addiction and serious habituation to drink inasmuch as psychological and other harm might be done to the addict if he were suddenly deprived of alcoholic beverages. The Government of Maharashtra, however, has decided to issue permits in the name of medical and health reasons and we are convinced that the medical and health grounds are not only flimsy, but self-contradictory.

No justification for hard liquor permits below 40 years

11. Nor do we see any reason for allowing liquor permits for hard drinks to persons below the age of 40, as addiction and habituation require a long history of drinking and the cases of addiction below the age of 40 must necessarily be non-existent or rare. To the extent that there are such cases, these individuals, in our opinion, ought to be allowed permits for mild liquors which are going to be made available.

TABLE
Health Permits according to age-groups in Maharashtra

Sl. No.	Age-group of the applicants for Foreign Liquor Health Permits	In force as on									
		31st March, 1961		31st March, 1962		31st March, 1963		31st December, 1963			
		Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total
1	2	3	4	5	6	7	8	9	10		
1.	From 18 to 20 years	..	..	..	..	..	..	..	..	..	..
2.	From 21 to 25 years	5		9		9		17		152	1.6
3.	From 26 to 30 years	22	0.43	24	0.34	23	0.49	135			
4.	From 31 to 35 years	60		66		84		378		1233	13.60
5.	From 36 to 40 years	290	4.66	190	4.15	230	4.80	855			
6.	From 41 to 45 years	435		460		520		1193			
7.	From 46 to 50 years	676		665		690		1056			
8.	From 51 to 55 years	665		693		760		991			
9.	From 56 to 60 years	728	94a91	759	95.31	783	94.71	894	84.72	7683	
10.	From 61 to 65 years	999		1008		1048		1175			
11.	From 66 to 70 years	805		717		777		781			
12.	Above 70 years	1596		6572		1624		1593			
Total		6221		6163		6548		9068			

Permits to younger persons suddenly increased

12. We are not a little perturbed to note a recent phenomenon. In Greater Bombay in 1961, 1962 and 1963, about 95 per cent. of total permits used to be issued to persons of age above 40 years, and only about 5 per cent to persons of below 40 years of age. The position has recently deteriorated in an alarming manner. Hardly had the initial statement promising a new policy been made early in December 1963, when the figures began to announce a new and unhappy trend. On 31st December, 1963, the number of permits given to age groups below 40 increased from 346 to 1233. Percentage-wise, more than 14 per cent of permits, as compared to the earlier 5 per cent, had gone to age groups below 40 years. Even in the age groups below 30 years, there was a rise from 32 to 152 permits, i.e. from half of one per cent to 1.65 per cent of the total.

The rule about the issue of certificates by any medical practitioner can be greatly abused

13. We have stated that not only the need and the age of the consumer but also the income, number of dependants and other family circumstances ought to be considered while issuing a permit or else great economic hardship is likely to occur. The Maharashtra policy hardly makes any allowance in this respect. We are surprised to know that the authority issuing permits will not be competent to judge socio-economic conditions of the applicants. Instead of the issue of permit being a departmental concern, it would have been far better if the authority issuing permits consisted of a medical expert, an executive officer of the Prohibition Department and a social worker of standing, so that this group could issue permits after considering all the relevant factors. We are particularly opposed to permits being issued only on medical sanction, especially when certificates from any registered medical practitioner are to be regarded valid. We have stated how difficult it was to imagine a medical practitioner refusing to issue a permit and if one practitioner did refuse, another would be readily willing to certify. There is also a danger of interfering with the professional rectitude of the registered medical practitioner. The honour of the medical profession should be jealously guarded and not put into jeopardy.

Liberalisation of permits for mild drinks to persons about 21 years not justified

14. Apart from the question of a liberal issue of permits for hard liquors, we have objections to the policy of liberalisation mild alcoholic drinks as suggested in the scheme of the Government of Maharashtra. This policy is believed to counter illicit distillation and we are prepared to accept this claim to some extent. But we would suggest that a liberalisation of liquor permits without practically any restriction whatever to persons above the age of 21, is fraught with evil consequences. In the first place, there is a certain amount of defeatism involved in this policy, though this defeatism can be easily camouflaged under the guise of realism. What is surprising is an absence of any worthwhile effort to educate the impressionable population and to publicise the evils of excessive drinking, both physiological and social. If demand had been curbed or contained through such educational and publicity efforts, both intensive and extensive, and then illicit distillation had been found to be prospering, one could have argued that a policy of liberalisation is perhaps warranted to contain the evil of illicit production and smuggling. But in fact, it has been brought to our notice that campaigns

against the harmful effect of excessive drinking have been less frequent and intensive in recent times, when they were absolutely necessary, than in pre-prohibition days. Under these circumstances one cannot take the problem of illicit distillation at its face value. It does not seem wholly right to say that illicit distillation cannot be curbed through other means. We should like to see a serious effort in the direction of education, persuasion and reduction of the public demand for liquor. Together with such an effort—but not in its absence—we are prepared to accept the reasoning that illicit distillation may be a menace which cannot be brought under control except through a liberalisation of mild alcohols.

Permission for age groups 21 to 30 to drink liquor is to be deprecated

15. We have not been able to understand why light alcoholic beverages should be made available to persons as young and impressionable as those belonging to the age groups 21 to 30 years. This age group includes a sizable bulk of the college-going community and also a fair proportion of the industrial and other workers. These persons are either not yet earning for themselves or are earning rather little and have not yet got settled in life. Most of them are only on the threshold of their professional and business careers. Those who are in service could not have been in employment for many years. Some of them may only be trainees or candidates for various posts. This is particularly true of the ages between 21 and 25. Permission to consume alcoholic beverages irrespective of their age and economic and social circumstances can be calamitous. It would have been for more satisfactory if the Government of Maharashtra had put the age limit for mild alcohols at 30 years and allowed these drinks under a permit system, bearing in mind the need to keep out the purview of the permit the workers engaged in factories and industrial occupations, rather than make these drinks almost free for all. Toddy, sendhi and other drinks from the palm tree with a low alcoholic content, may conceivably provide a case for including age groups between 21 and 30. In rural areas there may be reason for including younger people of classes in which toddy drinking has been traditionally prevalent. We are not sure, however, that all the safeguards which we have enumerated in our chapter on "The Problems of Toddy and Neera" are proposed to be adopted by the Government of Maharashtra.

Stepping back to spring forward

16. The recent policy of the Chief Minister reminds us of the French saying "reculer pour mieux sauter"—draw back in order to spring all the farther. It may be necessary to step back in order to leap forward. This no doubt is said to be the basis of the government's policy of the so-called rationalisation of prohibition. But every regression is no indication of progress; some retreats aiming at advance are apt to become routs. We are somewhat apprehensive lest the back stepping results in back sliding. We doubt if the State by receding will be able to advance forward.

Government's optimism not shared

17. We regret that we cannot share the optimism of the State Government as to the remedial efficacy of the nostrums proposed. This therapy instead of effecting a cure may have the opposite effect of accentuating the malady.

CHAPTER XLV

CONCLUSIONS

We have examined the problems arising out of the enforcement of prohibition in the light of our terms of reference and have recommended solutions to some of them. We would, however, like to conclude our Report with a brief statement of our main conclusions.

2. We had been asked

“to make an assessment of the magnitude of illicit distillation and illicit sale and other abuses prevalent in both wet and dry areas.”

Despite the obvious difficulty in making an assessment of the magnitude of illicit activities, it has been possible for us to make an estimate of the magnitude of illicit distillation and drinking bill at a level of approximation. These estimates presented in Chapter XXVIII, have had to be based necessarily on one or two broad assumptions. But we believe, in the light of the insight provided by some knowledgeable witnesses, these assumptions to be approximately correct. Our estimates suggest a figure of Rs. 146 crores as the annual drinking bill of the country, of which the value of illicitly distilled liquor may be Rs. 43 crores in dry areas and Rs. 9 crores in wet areas. We have also examined, often qualitatively and, wherever possible, quantitatively, the nature and the magnitude of other abuses both in wet and dry areas, in Chapters XIV to XXIII where illicit distillation, smuggling, allied crime, the abuse of toddy and neera, of spirituous medicinal and toilet preparations and of molasses and other raw materials have been elaborately discussed.

3. The second term of reference is

“to suggest practical measures for reducing illicit traffic in liquor and combating other abuses and malpractices.”

Our suggestions to contain and eliminate these abuses are an integrated set of practical measures intended as a multi-pronged attack from many directions. This has included several matters namely: the new scientific appliances for the detection of inebriety (Chapter XIII); the effective handling of corruption (Chapter XVII); the deglamorisation of drinking by the officials and by people of higher social strata; the avoidance of the misuse of spirituous medicinal, toilet and other preparations (Chapter XXI) the prevention of misuse of molasses (Chapter XXIII); improvements in substantive and adjective laws and in the administrative machinery (Chapter XXXVIII); the activating of the public opinion and the galvanisation of media of mass communication e.g. the press (Chapters XXXIII and XXXIV); mass education and publicity (Chapter XXXV); the economic containment of illicit activity, and the reduction of the profit margins of those engaged in such activity, and finally, conditional and controlled liberalisation of toddy for certain areas (Chapter XLIII).

4. The third and the sixth terms of reference required us

“to advise as to how better implementation of prohibition programme could be ensured through official and non-official agencies, and to make suggestions for securing to the maximum extent the cooperation of voluntary organisations in the implementation of the programme and mobilisation of people in support of prohibition.”

While we have specified the role of non-official agencies and voluntary organisations in Chapters XXXIII, XXXIV, XXXV and XXXVI, the role of the official administrative agency has been discussed in Chapter XXXVII. But the programme which the official and the non-official agencies have to be persuaded to adopt takes note of the strategy indicated in Chapter XXX and elaborated in all the subsequent chapters.

5. Another term of reference was

“to examine the existing legislation on prohibition and make suggestions for removing defects and for securing effective enforcement.”

This has been elaborated in Chapter XXXI and XXXII. In the former chapter the problems of law enforcement have been brought out and in the succeeding Chapter we have examined in detail the special provisions having a bearing on liquor. We have suggested amendments in certain laws, penal, civil, special, procedural and of evidence. We have also advised the enactment of new provisions which have not figured so far. The lacunae in the existing laws have also been indicated.

6. The fifth term of reference was

“to examine the existing administrative set-up in the States with particular regard to the personnel, their recruitment, their training, the powers entrusted to them in their methods of work.”

In Chapter XXXVII the administrative set up in the three wholly dry States of Maharashtra, Gujarat and Madras as also in the partially dry areas, has been studied. We have come to the conclusion that the enforcement of the laws should in the main rest with the police and we have not favoured a separate prohibition force. The treatment of this matter is not complete, and a part of it may have to be provided in the second volume, as there are certain features which remain to be dealt with.

7. And finally, we were asked to

“to study the financial aspects of the prohibition programme both in regard to the actual loss in excise revenue and the cost of enforcement.”

Our main findings on financial losses and gains both to the society and to the fiscal agency are to be found in Chapter XXIX although some discussions of these gains and losses will be found in Chapter XXVIII dealing with the magnitude of illicit distillation and the drinking bill. Subject to the difficulties of estimation we have shown that the total revenue loss of all dry areas is about Rs. 40.1 crores and the cost of prohibition enforcement approximately Rs. 5.4 crores making a total financial loss of about Rs. 45.5

crores. We have shown that this current financial loss of Rs. 46 crores per annum to the fiscal authority in dry areas has been balanced by a gain to the community to the tune of approximately Rs. 31 crores owing to a decline in the drinking bill of these areas; we have further shown that the drinking bill will have to be cut still further in order that the whole loss is wiped off. We have also shown that the annual loss of Rs. 80 crores or so which the wet states might incur if they introduce total prohibition by 1975-76 will be more than offset through an increase of Rs. 382 crores in sales tax, luxury tax and central excise duties over the existing base of Rs. 458 crores.

8. These are our conclusions on the terms of reference. We have had to deal with some relevant collateral matters which have an important bearing on a study of prohibition. These appear in Chapter IV—Drinking in ancient societies with particular reference to India; Chapter V—History of Temperance and Prohibition in America; Chapter VI—Experiment in Liquor Control in Scandinavian and other Countries; Chapter VIII—Alcoholism; Chapter X—alcohol and Medical Science; Chapter XI—The Drinking Driver and the Machinist; Chapter XIX—Diversion and Misuse of Duty-free Imported Liquor intended for Embassies and Missions in India; and Chapter XL—Foreign Visitors and Prohibition.

9. In view of certain changes in the liquor policy announced by the Chief Minister of Maharashtra, we have thought it proper to examine the impact of the new policy under a separate Chapter, viz., Chapter XLIV—A Critique of the Recent Policy Announced in Maharashtra.

10. We conclude this Volume in the hope that the recommendations made by us will find acceptance by the states and by the public. The recommendations involve a phased programme which obviously requires constant vigilance. If these recommendations are adopted by the Governments concerned, it will be desirable if the Union Government sets up a committee after a suitable time to assess the implementation and the progress of the integrated programme.

Sd/- TEK CHAND
(Chairman)

Sd/- A. M. KHUSRO
(Member)

Sd/- L. M. SHRIKANT
(Member)

NEW DELHI;
The 15th April, 1964.



सत्यमेव जयते

SUMMARY



सत्यमेव जयते



सत्यमेव जयते

SUMMARY

(VOLUME I—PART I)

SECTION ONE: INTRODUCTORY

CHAPTER I.—INTRODUCTION

The Study Team on Prohibition was appointed by the Planning Commission *vide* their Resolution No. 16(5)/63-PUB., dated the 29th April, 1963. The Resolution appointing the Study Team indicated the purpose of the Study and its scope as follows:

“The Government of India recently reviewed the position in consultation with the State Governments and decided that the working of the Prohibition programme should be studied for the country as a whole. Such a study will cover problems connected with the enforcement of Prohibition and Excise Laws, measures intended to reduce illicit traffic in liquor, improving administrative efficiency and securing to the maximum extent public support for the programme through the co-operation of both official and non-official agencies.”

(para 1)

The Team consisted of—

Chairman

(1) Shri Justice Tek Chand, Retired Judge of the Punjab High Court

Members

(2) Shri R. S. Krishnaswamy, Adviser (Programme Administration), Planning Commission.

(3) Dr. A. M. Khusro, Professor of Economics Institute of Economic Growth, Delhi.

Shri R. S. Krishnaswamy was unable to serve on the Team and in his place, Shri L. M. Shrikant, Secretary, Gandhi Smarak Nidhi, was appointed a Member with effect from 26th July, 1963.

(para 2)

The terms of reference of the Team were:

- (i) To make an assessment of the magnitude of illicit distillation and illicit sale and other abuses prevalent in both wet and dry areas;
- (ii) To suggest practical measures for reducing illicit traffic in liquor and combating other abuses and malpractices;
- (iii) To advise as to how better implementation of Prohibition programme could be ensured through official and non-official agencies;
- (iv) To examine the existing legislations on prohibition and make suggestions for removing defects and for securing effective enforcement;

- (v) To examine the existing administrative set-up in the States with particular regard to the personnel, their recruitment, their training, the powers entrusted to them in their methods of work;
- (vi) To make suggestions for securing to the maximum extent the co-operation of voluntary organisations in the implementation of the programme and mobilisation of people in support of prohibition;
- (vii) To study the financial aspects of the Prohibition Programme both in regard to the actual loss in excise revenue and the cost of enforcement.

(para 3)

The Team issued a questionnaire and 175 replies to this questionnaire were received, including 30 from Members of Parliament and State legislatures. The Team has toured 13 States and has yet to tour the States of Assam, Bihar and Kerala, besides the Union Territories. During the tours the Team met the Chief Ministers, the Finance Ministers, the Home Ministers, the Ministers for Excise, the Law Ministers and other officials and non-officials concerned with the issue of prohibition and excise laws.

(para 4)

The present Volume of our Report is divided into six parts. The first three Chapters are introductory in nature and the following three deal with drinking habits in ancient societies and with the history of temperance and prohibition in the United States of America and in some other countries. The third group of Chapters—VII to XIII—provides some basic information about alcohol, alcoholism, the opinion of medical science and the detection of inebriety. The fourth group—Chapters XIV to XXVI—represents an attempt to detect and to bring to notice the 'modus operandi' of various abuses and malpractices with respect to alcohol and also deals with the attitude of wet States.

(paras 10 & 11)

Part II of our present Volume—Chapters XXVII to XLV—is addressed more directly and narrowly to the terms of reference. This contains the fifth and the sixth groups of Chapters. The former is devoted to an economic analysis of drinking habits in different regions, the magnitude of illicit distillation and the drinking bill and to the question of financial losses to the fiscal authorities and the net gain or loss to the society as a whole in financial terms. The final group—from Chapter XXXIII onwards—is devoted to an integrated solution of the problem of liquor.

(para 12)

These Chapters are concerned with an economic attack on illicit distillers and other violators of law partly through the availability of mild alcohol under controlled conditions and partly through liberalisation of toddy within specified constraints. In Chapter XLIV, a brief critique of the recent alcohol policy announced in Maharashtra has been given. The final Chapter relates to the conclusions arrived at in respect of the terms of reference.

(paras 13 to 18)

CHAPTER II.—TERMS AND PHRASES

This Chapter deals with the definitions and the meanings of some of the important terms and phrases occurring in the Report, with some of which the lay reader may not be familiar.

CHAPTER III.—DRY AND WET REGIONS AND PREVAILING PROOF STRENGTHS

Completely dry States in the country, at present, are Madras, Maharashtra and Gujarat. The completely wet States are Bihar, Jammu & Kashmir, Uttar Pradesh (excepting a few pockets), Rajasthan (excepting one taluk) and West Bengal. The remaining States are partially wet and partially dry. Table 1 shows the dry, wet and partially dry regions separately along with their populations and areas etc.

(para 1)

Several types of alcoholic liquors are consumed in the country. There are distilled liquors, fermented liquors and wines; there are liquors of indigeneous and foreign make and there are Indian made foreign liquors (IMFL). The percentage of alcoholic content in these liquors varies considerably.

(paras 2 & 3)

Absolute alcohol which is almost 100 per cent pure is said to have a proof-strength of $174\cdot6^\circ$, say 175° . This is not potable.

By mixing water and other substances alcoholic percentage is reduced in a certain proportion, the proof-strength is reduced in the same proportion. Thus, there are two ways of looking at alcoholic content—one way is to talk of alcoholic percentage in a given bulk of liquid; the other is in terms of the proof strength. By multiplying a given proof strength by a factor of $4/7$, the alcoholic content in bulk is obtained by multiplying a given alcoholic percentage in bulk by a factor of $7/4$, the degree of proof strength is obtained.

(paras 4 to 7)

Liquor of 100° proof strength thus has $(100 \times 4/7) = 57\cdot14$ per cent of alcohol in bulk. Liquor of 120° proof strength (also called 20° over proof) has $68\cdot57$ per cent; and liquor of 80° proof strength (also called 20° under proof) has $45\cdot71$ per cent of alcohol in bulk.

Nearly all the hard foreign liquors and Indian made foreign liquors, such as whisky, brandy and rum have a proof strength of 75° (i.e. 25° u.p. or $42\cdot86$ per cent alcohol in bulk). The proof strength of gin is 65° and of wines generally between $17\cdot5^\circ$ and 14° (i.e. $82\cdot5^\circ$ to 86° u.p. or 10 to 8 per cent of alcohol in bulk). The alcoholic content of beer is around 5 per cent.

(paras 8 to 10)

Licit country liquors have a large range of strengths, varying generally between 95° to 20° proof, i.e. 5° to 80° u.p. (alcoholic content varying

between 54.28 and 11.43 per cent in bulk). An occasional country variety, as in Rajasthan, is as hard as 120° (*i.e.* 20° over-proof with an alcoholic content of 68.57 per cent in bulk).

(para 11)

Illicit country liquor is generally harder than most of the prevailing varieties of licit country liquor. Its proof strength ranges between 80° and 120° (*i.e.* 20° u.p. and 20° o.p.) and the alcoholic content varies between 57.14 per cent and 68.57 per cent.

Table 2 gives the types of liquor in vogue in this country along with their alcoholic content and proof strengths. The accompanying charts give alcoholic content of country and foreign liquors.

(paras 12 & 13)



TABLE I

Statewise Area and Population* in Dry and Wet Areas

Area : in thousand square miles²
Population : in lakhs

State	Number of Districts.						Dry Area				Wet Area			
	Com- pletely Dry	Par- tially Dry	Com- pletely Wet	Total	Total Area	Total Popu- lation	Area	Per cent of Dry Area to Total	Popu- lation of Dry Area to Total	Per cent of popu- lation of Dry area to total	Area	Per cent of Wet Area to Total	Popu- lation of Wet Area to Total	Per cent of popu- lation of Wet Area to Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<i>Completely Dry</i>														
Gujarat . . .	17	..	..	17	72.2	206.3	72.2	100.0	206.3	100.0	Nil	Nil	Nil	Nil
Madras . . .	13	..	..	13	50.3	336.9	50.3	100.0	336.9	100.0	Nil	Nil	Nil	Nil
Maharashtra . . .	26	..	..	26	118.7	395.5	118.7	100.0	395.5	100.0	Nil	Nil	Nil	Nil
TOTAL . . .	56	..	..	56	241.2	938.7	241.2	100.0	938.7	100.0	Nil	Nil	Nil	Nil
<i>Partially Dry</i>														
Andhra . . .	11	..	9	20	106.3	359.8	61.9	58.2	232.7	64.7	44.4	41.8	127.1	35.3
Assam . . .	3	..	8	11	47.1	118.7	10.0	21.2	48.2	40.6	37.1	78.8	70.5	59.4
Himachal Pradesh . . .	1	3	2	6	10.9	13.5	1.7	14.4	3.2	23.7	9.2	85.6	10.3	76.3

* The population figures used here are of 1961.

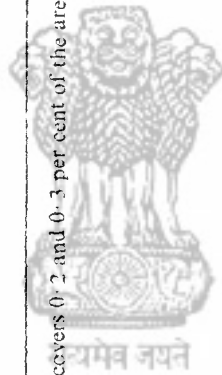
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15			
Kerala	.	.	.	4	3	2	9	15.0	169.0	8.6	57.3	94.7	56.0	6.4	42.7	74.3	44.0
Madhya Pradesh	.	.	6	4	33	43	171.2	323.7	26.9	15.3	51.6	15.9	144.3	84.7	272.1	84.1	
Mysore	.	.	.	16	1	2	19	74.2	235.9	59.2	81.1	180.0	76.3	15.0	20.2	55.9	23.7
Orissa	.	.	.	5	..	8	13	60.6	175.5	26.8	43.8	97.1	55.3	33.8	56.2	78.4	44.7
Punjab	.	.	.	1	..	19	20	47.2	203.1	2.3	5.7	14.2	7.0	44.9	94.3	188.9	93.0
Total	.	.	47	11	83	141	532.5	1599.2	197.4	37.1	721.7	45.0	335.1	62.9	877.5	55.0	

Completely Wet

Bihar	.	.	.	..	..	17	17	67.2	464.6	Nil	Nil	Nil	67.2	100.0	464.6	100.0
Jammu & Kashmir	.	..	..	..	..	14	14	86.0	35.6	Nil	Nil	Nil	86.0	100.0	35.6	100.0
Rajasthan*	.	..	..	..	..	26	26	132.2	201.6	Nil	Nil	Nil	132.2	100.0	201.6	100.0

Uttar Pradesh	.	.	..	54	54	113.7	737.5	Nil	Nil	113.7	100.0	737.5	100.0
West Bengal	.	.	..	16	16	33.8	349.3	Nil	Nil	33.8	100.0	349.3	100.0
TOTAL	.	.	..	127	127	432.9	1788.6	Nil	Nil	432.9	100.0	1788.6	100.0

** In Rajasthan only one taluk is dry which covers 0.2 and 0.3 per cent of the area and population of the State respectively.



STRENGTH OF DIFFERENT COUNTRY LIQUORS



STRENGTH OF DIFFERENT COUNTRY LIQUORS

77.5° U.R.
 66.0° U.R.

STATE - WISE

SL. NO.	STRENGTH			ANDHRA PRADESH	ASSAM	BIHAR	JAMMU & KASHMIR	KERALA	MADHYA PRADESH	MYSORE	ORISSA	PUNJAB	RAJASTHAN	UTTAR PRADESH	WEST-BENGAL	DELHI	MHARASHTRA	NUMBER OF STATES SELLING LIQUOR OF THIS STRENGTH	NUMBER OF STATES SELLING LIQUOR OF THESE STRENGTHS	DEGREE UP
	UNDER PROOF DEGREE	PROOF SPIRIT	PERCENTAGE OF ALCOHOL IN BULK																	
1	5° U.P.	95 PERCENT	94.29															1	-	5 - 20° UP
2	10° U.P.	90 PERCENT	81.43															1	3	5 - 20° UP
3	20° U.P.	80 PERCENT	65.71															3		5 - 20° UP
4	25° U.P.	75 PERCENT	42.86															5		5 - 20° UP
5	30° U.P.	70 PERCENT	40.00															4	9	25 - 40° UP
6	35° U.P.	65 PERCENT	37.14															4		25 - 40° UP
7	40° U.P.	60 PERCENT	34.29															1		25 - 40° UP
8	45° U.P.	55 PERCENT	31.43															4		25 - 40° UP
9	50° U.P.	50 PERCENT	28.57															5	9	45 - 60° UP
10	55° U.P.	45 PERCENT	25.71															1		45 - 60° UP
11	60° U.P.	40 PERCENT	22.86															5		45 - 60° UP
12	65° U.P.	35 PERCENT	20.00															1		65 - 80° UP
13	70° U.P.	30 PERCENT	17.14															2	3	65 - 80° UP
14	75° U.P.	25 PERCENT	14.29															3		65 - 80° UP
15	80° U.P.	20 PERCENT	11.43															1		65 - 80° UP

SECTION TWO: DRINKING IN ANCIENT SOCIETIES AND MODERN INTERNATIONAL EXPERIENCE

CHAPTER IV.—DRINKING IN ANCIENT SOCIETIES WITH PARTI- CULAR REFERENCE TO INDIA

Ancient societies were familiar with intoxicating beverages. Drinking was also severely condemned. The ancient divines of India and Persia and the Hebrews disapproved of drinking whereas Muslims and Buddhists enjoined abstinence. In Egypt and China the records show that the use of wine gave cause for anxiety.

(paras 1 to 4)

Socrates, Aristotle, Plato, Cicero, Seneca, and Pliny refer to wine as debasing to the dignity of man. The Spartans and the Carthaginians restrained drinking among soldiers on active service. On the American continent the Aztecs of ancient Mexico punished drunkenness among the young with death but tolerated it among the aged and the sick.

(paras 5 to 7)

Earlier Aryan settlers were given to drinking spirituous beverages, popularly known as 'Soma' and 'Sura'. Some dispute, however, exists whether the former is or is not a spirituous liquor. Smritis enumerate 12 different kinds of liquors. Drinking prevailed in Vedic and Post-Vedic period though Puranas condemned the use of drink. Some references to wine are also found in Sutras, Ramayana, Mahabharata, Bhagwat Purana, Jatakas, Avadanas, many Tantras and in Kalidasa's Shakuntala, Kumar-sambhava, Raghuvansa.

(para 8)

In societies in ancient India there were injunctions against the use of spirituous liquors. They were considered to be unfit to be drunk, unfit to be given and unfit to be accepted.

(para 9)

Severe penalties had been provided by Manu and Yajnavalkya for indulging in drinking. Amongst women drinking was deprecated and was a ground for second marriage by the husband. Drinking of liquor was considered to be sin and society looked upon it with abhorrence. A person who drank 'Sura' had to expiate for the sin.

(paras 10 to 12)

In ancient medical works, liquor was said to be used for some medicinal purposes but certain diseases were also associated with their excessive use. These works contain among a great many other things, certain recipes for removing odour from the breath of drinkers and there is also a mention in them of four types of beverages which were drunk without distillation.

(paras 14 & 15)

Islam has forbidden the use of intoxicating beverages.

CHAPTER V.—HISTORY OF TEMPERANCE AND PROHIBITION IN AMERICA

The various nationalities who came to America brought with them the customs of their home-lands. The drinking of alcoholic beverages was common among all of them and was practised even by the clergy. The early concern of those who were responsible for the Government was to keep liquor away from the workers. George Washington in 1776 ordered the officers of the Continental Army to prevent the soldiers from visiting the tippling houses. In 1789 the law was passed to tax imported liquors and malts. Between 1789 and 1826 several temperance societies came into being. During the first half of the 19th Century opinion came to favour stringent regulation of the sale of intoxicants and a well organized temperance movement made its appearance.

(paras 1 & 2)

In 1839 Massachusetts passed the so-called "15 gallons law" prohibiting the sale of liquor except for medicinal and mechanical purposes in quantities of less than 15 gallons. In 1840, 1874 and 1895, Washington Temperance Society, Womens' Christians Temperance Union and Anti-Saloon League were organised. The first attempt at social control of liquor traffic took the form of licensing of places of sale and fines and imprisonment for public drunkenness. Local option was also introduced. The first wave of State wide prohibitory laws started in Oregon in 1843 followed by similar laws in other States. In 1875, these enactments were repealed. By 1906, 30 States had adopted Local Option, and in a large number of States saloons were banned. The temperance movement had aroused the nation to the social evils of alcoholism but accomplished little in checking the excessive use of alcoholic beverages. Both the alcoholic beverages industry and the temperance forces were strongly entrenched in politics. The concept of temperance had led to total abstinence. Most of the prohibitory laws enacted during the second decade of 20th century applied not only to spirituous but also to malt and vinuous liquors. The difficulty lay in enforcing the dry laws. The growing volume of travel and the advent of the automobile made inter-State smuggling relatively easy.

(paras 3 to 13)

The clash between the State and Federal interests became acute, and lasted until 1917 when the Supreme Court of the United States finally upheld the validity of the Webb Kenyon Act of 1913. In 1917 the Reed-Bone dry Amendment was passed by which a more complete prohibition was imposed in the State which wanted to prevent manufacture or sale of intoxicant. In the same year the 18th Amendment was proposed by the Congress and in 1919 this was ratified by 36 States of the Union so as to become a part of the Constitution of U.S.A. The adoption of this Amendment marked the high tide of the prohibition movement. Concurrent power was given to the Federal and State Governments to enforce the Amendment, and the definition of intoxicant as given in the Volstead Act, as one half of 1% of alcohol, was upheld by the Supreme Court.

(paras 14 to 17)

The National Prohibition Act, popularly known as the Volstead Act, was introduced into Congress. The Amendment was not a perfect solution of the problem of social control of the liquor traffic. The problem was too big to be solved by any quick methods. The Wets were always antagonists and did everything to discredit it. There were "speak easies" almost everywhere. There had been a decrease of 70% in the consumption of liquors.

There was also less drunkenness. At no time was there a majority in the United States for a repeal of the Act. The minority, however, succeeded subtly in accomplishing its purpose by resorting to devious means. The first attack of the Wets was on the constitutionality of the 18th Amendment but the U.S. Supreme Court rejected their contention. There was another line of attack by Wets and they maintained that 18th Amendment was violative of personal liberty. This appeal, however, had some effect in favour of the case of the Wets. Willis thinks that the principal proof of the failure of the 18th Amendment was nullification of it by the Wets. When they failed to achieve their results, they began to lie about it and attributed all the troubles of the United States including revenue losses to it. At the time when the U.S.A. was in the grip of acute depression, this argument was readily accepted. The real desire of the Wets was to obtain their private profits.

(paras 18 to 24)

Prohibition helped to secure better furnished homes for the people, better mental health, less juvenile delinquencies, less malnutrition, improvement in home life, lesser irregularities by the employees, decrease in accidents etc. etc. The annual statistical abstract compiled from the Federal Reports and the facts collected by Dr. Haven Emerson revealed that there were several economic developments in America on account of prohibition.

(paras 25 to 27)

The attempted prohibition enforcement introduced into important Departments of the Federal Government, corruption at a colossal scale. Illicit distillation was done on a huge scale. It led to increased drinking of intoxicating liquor on the part of women and children; contributed to conditions of immorality and thereby directly bred conditions of lawlessness unequalled in the history of the Republic. It introduced demoralisation and corruption in the professional agencies charged with the protection of public health. It brought in its wake a trail of evils of far-reaching and deadening effect on the public morals and public conscience. There was diversion of medicinal and industrial alcohol and spirits, amongst others, by the doctors and the druggists who misused their quota. Enormous quantities of liquor had been smuggled into the country. There was an open defiance of law and millions of dollars were spent on the additional equipment of the coast guard. The enormous profits of boot-leggers placed great sums of money in the hands of the criminal classes. A hord of spies and agents provocateur had been turned loose upon the community. The discriminatory effect of law caused wide-spread discontent and control on the drinking habits of people was made impossible.

The Volstead Act was unpopular with a large section of people as it interfered with their personal habits and pleasures and threatened to abolish the means of procuring them. A situation which arose in the United States had not been anticipated and provided for, as there was a feeling of complacency by reason of the entire country having greeted the 18th Amendment with joy and thanks-giving.

(paras 28 to 37)

The Courts were overwhelmed by the number of liquor cases which they could not decide. Most cases were settled by pleas of guilt. The Courts were staggering under the load put on them by the prohibition-legislation. The facilities of analysis provided were insufficient. In this way, it became cheaper to operate liquor saloon or to engage in liquor traffic under prohibition than under the licensing system. The boot-leggers used to set

apart considerable sums as a corruption pay roll which went to important officers of the enforcement departments.

(paras 38 to 41)

In the United States from 1850 to 1920 there were 3 great waves of prohibition. The first was in 1850, the second in 1885 and the third in 1920. The most formidable wave started flowing after 1905, when hundreds of thousands of books, leaflets and magazines were published condemning intoxicating beverages. It was this enthusiasm which brought complete prohibition in the United States.

(paras 42 & 43)

President Herbert Hoover appointed on May 20, 1929, a Commission of 11 members under the Chairmanship of Wickersham to make a thorough enquiry into the problems of the enforcement of prohibition. A preliminary report was submitted in November 1929 and a supplementary report in January 1931. The report exposed the weakness of the first 7 years of what it called "imperfect enforcement". It dealt frankly and fearlessly with questions as to lack of a master plan; of skilful leadership or proper coordination and a united front between such important key agencies as the Customs, Coast Guard and Prohibition Bureau and even the activities of the pressure group and political forces. The report referred to "an attitude of hostility or contempt for the law on the part of those who are now unlikely to be leaders in the next generation". The Wickersham Commission was opposed to the repeal of the 18th Amendment.

(paras 44 to 47)

There were some members who favoured the immediate repeal of the 18th Amendment while there were others who favoured further trial with slight amendments. It was the economic depression which finally broke the back of the dry camel. The Wets exploited this national disaster to the utmost. One difficulty felt in the enforcement of the Volstead Act was that there was practically no precedent and the situation in the country was changing. The purchase and the use of intoxicating beverages was not forbidden under the law. Only possession other than for personal and family use constituted an offence. The Courts naturally were not inclined to issue warrants for the search of private premises. The enforcement of prohibition was thus very much handicapped.

(paras 48 to 51)

The opposition to prohibition was organised even before the 18th Amendment came into operation on 16th January, 1920. An association was started in 1919 to prevent the United States of America from going dry, and to prevent the 18th Amendment from coming into effect. In 1923, the New York State legislature repealed its enforcement laws. The brewers went to the extent of contributing money for supporting the candidature of persons who were likely to plead their cause in the legislature. By 1931 several States had repealed enforcement laws and several organisations against prohibition had grown up. Soon after the election of President Roosevelt, the 21st amendment was passed by the Congress on February 20, 1933 repealing the 18th Amendment. The real reason for the failure of prohibition was that it was in the hands of its enemies that it was never given a fair trial.

(paras 52 to 54)

After the repeal of the 18th Amendment alcohol got into the saddle and the number of heavy drinkers, addicts and chronic alcoholics increased

every year. The traffic situation became frightening. Drinking drivers killed thousands of people every year. The number of those injured in driving accidents was still greater. It is now number 1 health problem in that country. Drinking has been acknowledged to be a cause of poverty, juvenile delinquency, divorce, crime and debasement of human dignity.

(paras 55 & 56)

CHAPTER VI.—EXPERIMENT IN LIQUOR CONTROL IN SCANDINAVIAN AND OTHER COUNTRIES

In Sweden and other Scandinavian countries the campaign against drinking dates from the beginning of the 19th century. In Sweden, the Swedish Temperance Education Board (C.F.N.) looks after temperance education and information. The major question as to how to reduce the consumption and abuse of alcohol is mostly dealt with by spreading knowledge about the harmful effects of indulgence in liquor. Legislation in Sweden regarding control on trade in alcohol came into effect on 1st of October, 1955 and distinguishes between the sale of strong drinks and strong beer on the one hand and that of ordinary beer on the other.

(paras 1 & 2)

The elected Council of the local authority decides about the licence of sale of liquor except in the case of tourist hotels. The restaurants can sell liquor for consumption on the premises at a fixed price which provides for 15 per cent profit margin. The quantity of the liquor sold is restricted. Certain classes of persons are not allowed to purchase liquor at such shops. Taxation is imposed on liquor on the basis of its alcoholic content.

(para 3)

The legislation in Sweden has enacted stringent laws with respect to maintenance of sobriety for the drivers of motor vehicles. The driver who has more than 0.5 per mille alcohol in his blood receives a prison sentence. In case he is convicted for drunken driving or lack of sobriety, his licence must be cancelled at least for one year. The law thus forces upon drivers great caution and temperance.

(para 4)

Doctor Ivan Bratt suggested that, liquor may be rationed. This system known as the Bratt system did not prove to be successful. Ultimately, a Commission was appointed to make a scheme in conformity with the temperance policy, which published its report in 1952-53. The Government accepted the report and the imparting of education on alcohol was brought under the supervision of the Board of Education. Other work outside the schools was done by voluntary organisations. Education in alcohol and other drinks is not confined to the schools but is also imparted through Vocational Training Centres, Military Training Schools and Clubs. In addition there are several temperance societies. Such provisions can be adapted in India also.

(paras 6 to 9)

The Acts relating to alcoholics were passed in 1913, 1931 and 1954. The latest Act provides a wider field of action for the care of alcoholics. The legislation provides for the Local Temperance Committees which endeavour to convey the dangers of alcoholic abuses. In serious cases alcoholics are treated in special institutions; they are also treated while working at their usual place of employment.

(paras 10 & 11)

In Finland national prohibition had been preceded by a long period of temperance movement. The Finnish Parliament passed a prohibition bill in 1907 and again in 1909, which was not approved by Russian Czars. Ultimately, with the advent of independence in 1907 a prohibition law was adopted but repealed in 1932.

Among Scandinavian countries, Iceland and Norway have had considerable experience with State prohibition, and Denmark and Sweden with local prohibition. In Iceland the manufacture of intoxicants was prohibited in 1960, and this still continues to be the position. In Norway general prohibition of all beverages containing more than 14 per cent of alcohol was adopted with the sale of beer and wine having an alcohol content between 2·5 to 14 per cent under special licence. Prohibition was repealed in 1927. In Denmark under the law of 1913, licences were granted by parish councils and most rural parishes elected councils pledged to refuse licences. A few years later local option privileges were granted.

(paras 12 to 16)

In England in 1725 the excessive drinking of gin and other pernicious spirits became so great that the Gin Act 1736 had to be enacted. It made the sale of spirits subject to such severe restrictions that if it had been strongly executed it would have led to drastic curtailment of drinking. Ultimately the Act proved to be a dead letter. In 1743 the Gin Act was repealed. In 1751 gin shops again abounded and an out-cry was again heard against the drinking of spirituous liquor as destructive of health. The Sale of Spirits Act (1750) was passed in order to combat the destructive influence of excessive drinking. This Act and those that followed figure amongst the earliest measures of social prophylaxis and a turning point in social history. The Act of 1753 made licensing more effective. By 1776 liquor was again sold almost without restriction.

(paras 17 to 20)

Newfoundland which had local option in several districts as far back as 1883 adopted prohibition by popular vote in 1915, and abandoned it 9 years later in favour of control through a Commission. In Turkey the national Government from 1920 onwards gradually extended prohibition over the country. In 1924 the Government repealed it and in 1926 instituted Government monopoly. In other countries legal prohibition of sale of intoxicating beverages has been undertaken only in emergency, or in case of injurious types of liquor. Sales of deleterious alcoholic beverages like absinthe have been forbidden in France, Belgium, Holland, Switzerland and Italy.

(para 21 to 23)

SECTION THREE : BASIC CONSIDERATIONS ABOUT ALCOHOL AND ITS DETECTION.

CHAPTER VII.—ALCOHOL RAISES SEVERAL PROBLEMS.

Ethyl alcohol, derived principally by fermentation and/or distillation as a beverage, has been in use virtually in all communities and in all ages. In spite of known dangers it has had a hold on substantial segments of humanity. The primitive society being horticultural and agricultural discovered alcoholic effect in a great number of natural materials, admitting of fermentation and brews. There is hardly a natural source of sugar from which some sort of fermented beverage has not been produced, *e.g.*, berries, fruit, honey, sap of palm trees, sugarcane, juice, milk, and a great number of tubers and cereals.

(paras 1 and 2)

Alcoholic beverages have been in use from time immemorial and a strong opposition to their consumption is as old as their use. The Society has approbated and reprobated drinking, and this contradictory approach needs examination. The fermented beverage attained a high status at all important occasions in the family and in Society.

(para 3)

Alcoholic drinks have persisted in mankind in spite of inherent dangers in its use. In primitive society the reason for survival of drinks are ancestral usage, a belief that gods are pleased with it and that it is a good food and has a curative effect. Its sedative effect reduces the activity of the physiological mechanism, which otherwise produces anxiety or fear or tension or any other painful condition. It is impossible to conceive of an anxiety-free condition but its intensity in all cases is relative. It is preferred over other drugs because its effects do not last for an indefinite period. Other reasons for its acceptance are: firstly the material for the production of alcoholic drinks is universally found in a variety of fruit, flowers, cereals etc.; secondly, the technique of production is simple, inexpensive and easy, and lastly, it has acquired an accepted status in society.

(paras 4 & 5)

The high value attached to liquor as a worry-dissolvent can be counteracted by wide-spread knowledge of its deleterious effects on the individual and the Society. In it there also lurk grave menaces to orderliness, health, decency and self-control. While quelling problems it itself becomes a problem. Social censure of inebriety is even more effective than law. The Jews and the Muslims are practically total abstainers. The Hebrews in spite of the fact that they faced fears, suffering and persecutions have a remarkable restraint in the matter of consumption of alcohol. Social disapproval of drunkenness for women has been very effective.

(paras 6 to 9)

In a social group a person cannot always live according to whims and caprices and has to subordinate his instincts which run counter to the social norm. Relief is possible either by elimination of conditions which have created tension or by discovery of a mode for relief of tension

though the cause continues. The sources of tension cannot be removed as they are beyond the control of the individuals. Resort is often made to control such tensions through religion, mental discipline and other educational measures. Another effective mode of management of a release is by legal control inasmuch as alcohol creates various problems and also takes a heavy toil of human life, efficiency and happiness.

(paras 10 to 13)

Alcohol is a family problem; a moral and a religious problem; a public health problem; a medical problem; an industrial problem; an economic problem; a law enforcement problem; and a traffic problem.

(paras 14 to 22)

CHAPTER VIII.—ALCOHOLISM

There are six categories of drinkers viz. occasional, moderate, habitual, heavy, addictive and chronic. The last four categories confront a public health problem. The damage done by alcoholic drinks in India cannot be assessed in the absence of any survey. Alcoholism is a morbid condition resulting from the inordinate or excessive use of alcoholic beverages. It results in the attack of delirium tremens, alcoholic homicide mania and serious impairment of mental faculties.

(paras 1 to 3)

Under the auspices of European Institute for the Prevention and Treatment of Alcoholism, different medico-legal aspects of the alcoholism problem are being studied. It is believed that there are twenty different treatments for alcoholism and 25 to 30% of alcoholics are recovered by modern treatments. Affluent society and social conventions bring more people into contact with alcohol. Sometimes tensions, frustrations, anxieties, consuming jealousies, abiding hatreds and deep resentments compel a person to take to alcohol as a crutch for avoiding deep contemplation. The anaesthetic effect of alcohol temporarily puts the brain out of action and helps in relieving mental tensions. Repeated indulgence creates an ascending spiral for alcohol and subsequently it becomes a vicious circle difficult to break. The lonely, the weak the maladjusted and the mentally unstable persons fall an easy prey to alcohol. The beginning of alcoholism almost always occurs in a certain type of social setting. In young people, factors and influences of age group psychology pave the way for alcoholic addiction. The addicts will generally try to get alcohol in any available form including french polish, methylated spirit or eau-de-cologne, irrespective of taste or quality. Though wealth and social mores are also responsible to some extent for driving a person to alcohol, alcoholism is a self invited disease due to inner weaknesses, external social pressures and uncontrollable circumstances.

(paras 4 to 9)

Antebuse, Orinase and Diabinese are the few drugs considered useful to create an aversion for alcohol. The alcoholic needs rehabilitation not only through drugs but through their re-integration into the community from which they try to escape. A diagnosis or the evaluation of drinking pattern, state of the alcoholic disorder and a study of the personality of the patient is necessary for the treatment. A modern treatment in vogue is the sensitization followed by administration of disulfiram drug. There is a reaction of flushed nasa, vomiting, sudden sharp drop in blood pressure pounding of the heart and a feeling of impending death when alcohol is

taken with disulfiram drug in the body. This is due to excessive accumulation of acetaldehyde in the blood because of disulfiram. The alcoholic ultimately learns to stay sober without leaning upon disulfiram. The disulfiram drug has been accepted by the medical profession as a useful adjunct in rehabilitating alcoholics. The cooperation of the patient is required for continuance of the treatment. On a similar principle, emetine and spomorphine drugs are also given either orally or by injections and the alcoholic is given alcoholic beverages to drink when the drug is about to take effect. Repetition of this develops an aversion for alcohol in the patient. Adrenal steroids and Adrenocorticotrophic hormones are also used to build up euphoria in alcoholic along with large doses of vitamins. Therapists like to augment it with psychotherapy.

(paras 10 to 16)

The problem of alcoholism is of growing gravity in most countries. The psychiatrists consider it as the most difficult of mental diseases and destructive of physique with no simple or easy cure. Though its cure is a difficult problem, its prevention is not unmanageable. The problem can be checked by drawing up programmes for treatment of alcoholics according to the local needs after making proper surveys.

Alcoholism is recognised by psychiatrists as one of the most difficult of all mental diseases. Alcoholism not only attacks the body but the spirit and does not admit of a simple cure. It is characterised by an uncontrollable desire for alcohol and is accompanied by psychological and emotional disturbances. A programme for the treatment of alcoholics at their cost except among the indigents should be tailored according to local needs. It is important to note that even if the cure of alcoholics presents a difficult problem its prevention is not unmanageable.

(paras 17 & 18)

The Alcoholics Anonymous is a fellowship of men and women who have one problem in common—the excessive drinking of alcohol. They help one another in bringing about relief from alcoholism. They believe it to be a progressive illness that has to be arrested. Its present membership numbers 300,000 and is scattered in about 80 countries. There are 300 members of the Society in India too. The primary purpose of the membership is to stay sober and to help other alcoholics to achieve sobriety. This Society suggests a 12-point programme for the recovery of alcoholics. The Alcoholics Anonymous is doing useful work to help in mental reintegration of the afflicted.

(paras 19 to 23)

Public education on alcoholism is necessary to forewarn its victims on its ill-effects. Provision for hospitalisation of alcoholics, if necessary should be made at their cost. The services of not only physicians but those of psychiatrists, psychologists, social workers and former alcoholics should be requisitioned wherever necessary. Alcoholism has no territorial confines and its cost in money alone is astronomical. In a country like America, its cost per annum is more than the country spends on its defence.

(paras 24 to 26)

CHAPTER IX.—ALCOHOL AND THE ARMED FORCES

The impact of intoxicating drinks on the Armed Forces is a subject which requires to be closely studied by scientists, psychologists, military, medical and other experts. The fate of many a skirmish or a battle would have been entirely different if liquor had not entered the lists. The death of Alexander the Great on 13th June, 323 B.C. before he completed thirty-three years of his life was caused by excessive drinking. The battle of Waterloo was lost on 18th January, 1815, on account of Burgundy wine. The turning point of the World War I which heralded the collapse of Germany was attributed to their lack of resistance to French wines.

(para 1 to 4)

At the outbreak of the World War in 1914 the French Government which knew the evils of drinking, commanded all the prefects and military Governors of Paris and Lyons to prohibit the sale of absinthe. But in spite of this the malady was so advanced that finally drink debilitated defence. By order of the Czar dated 31st July, 1914 wine shops, beer saloons and Government Vodka shops were closed during mobilisation. That Russia was able to complete her initial mobilisation in a few days instead of a month has been attributed, among other things, to prohibition. Both in the American Revolution and the Civil War, it was felt that the armed forces should be kept free from hard liquor and measures to that effect were passed. George Washington in his order dated 25th March 1776, enjoined the officers of the Continental Army to prevent the soldiers from frequenting tippling shops. Sale of liquor to troops through army canteens was forbidden for the first time in 1832, for the second time in 1882 and for the third time in 1901. When the 18th Amendment to the American Constitution introduced prohibition, it was proclaimed as the first and foremost patriotic programme of winning the war. It was said that the drinking of beer facilitated the spying work of German agents. It was also said that liquor was the chief ally of Kaiser and that the elimination of its traffic in America will mean victory to the forces of Americanism.

(Paras 5 to 7)

Lloyd George said that liquor was a greater enemy of England than Germany and Austria. In World War II the French Army drank their favourite red and white wines lying behind the Maginot Line, believing it to be impregnable and this is said to have led to the rout of French forces. Field Marshal Petain while explaining the French reverses, broadcast to the World and said, "our men drank and could not fight." Field Marshal Montgomery who has been a total abstainer was brought to the scene in Africa when General Rommel was driving the British to Egypt and the tables were turned. He ordered that no beer be sent to the forward troops. There were several causes of the Pearl Harbour debacle, the major cause was heavy drinking by American soldiers and sailors. General Parks, John W. Kolb and President Eisenhower have condemned alcohol and stressed the havoc wrought by it among the armed forces.

In a temperance rally in an American army camp one of the resolutions condemned liquor and named it as a deadly foe lurking within their ranks. The soldiers pledged to abstain from all alcoholic drinks.

(para 8 to 10)

In contrast, the brewing business interests boasted before the Pearl Harbour that one of the finest things that could have happened to the brewing industry was the insistence by high-ranking officers that beer be made available at Army camps. The role of alcohol as an instrument for

seduction and espionage has been well known. Liquor has supplied the key for unlocking the State secrets. General Marshall in World War II. in reply to reports, said that national security was threatened to a great extent in the cock-tail lounge of the May-flower Hotel and that the decisions made under alcoholic influence have been proved to be foggy inasmuch as drinking defeats clear thinking.

(paras 11 to 13)

'Dutch Courage', signifies a temporary courage inspired by intoxicating drinks. It is also called 'pot-valour'. During the First World War the French troops used to be given rum before they went up the parapet from out of their trenches to face the enemy's barrage of bullets. In such conditions spirituous beverages heightened the sense of fearlessness by removing inhibitions. On the other hand, distinguished generals have said that non-drinking soldiers unaided by drink have performed greater feats of personal valour. The teetotallers in the army have braved dangers and endured hardships with equal fortitude.

(para 14)

It is not for the Team to advise whether rations of alcoholic drinks should or should not be supplied to defence forces. It is, for the experts and high army personnel to judge its utility. It has, however, been seen that illicit distillers thrive in the vicinity of the army camps. If the army personnel require alcoholic beverages, they should not be permitted to consume liquor supplied from contraband sources as they contain injurious ingredients. It has been noted that immoderate drinking exists amongst officers. Alcohol is no respecter of person and its ordinary feature is to induce sedation by dulling the senses and to undermine health and discipline. Men engaged in defence while resorting to such libations cannot be immune from the deleterious effects of drinking. The modern machine age exacts very high standards and requires the functioning of all faculties unimpaired and at their superlative best. Alcohol may be said to be an enemy of the machine age. Maintenance of health at the optimum is the imperious necessity of those called upon to shoulder onerous obligations. All the faculties of a subject are definitely undermined by alcoholic beverages. Sobriety in a soldier is highly valuable and cannot be allowed to be trifled with by alcohol. The Government's attention is hereby drawn to the impact of drinking on soldiering.

(paras 16 & 17)

One byproduct of drinking among the army personnel is that it is socially infectious and that the habit is not shaken off on retirement. The military pensioners have been spreading this habit in their villages where they occupy high social position. It is felt that drinking amongst the armed forces must be discouraged, even if it cannot be immediately banned. The false fortitude momentarily worked up by the ingestion of alcoholic drinks ceases soon, and is no substitute for the more abiding nobler qualities of steadfastness, discipline and daring which defenders of the country must possess.

(para 18)

CHAPTER X.—THE DRINKING DRIVER AND THE MACHINIST

Before the machine age the hazards of inebriety, were confined to a very narrow circle. They have been increased in the modern times by automatic propulsion. When a motor vehicle is driven by a drinking driver, its potentialities as a lethal weapon are enormously increased. They have been made universal in modern times.

The inebriate pedestrian whose movements under alcoholic influence become unpredictable is also a source of danger to others though a little less than the man behind the steering wheel. In this age disability and loss of life from accidents are greater than from any other causes and young people are particularly involved in them. The depressant action of alcohol on brain inhibits judgment thereby impairing the co-ordination of brain and muscles.

In the United States of America and Western countries the loss of life from accidents is appalling. In West Germany, there are more accidents on roads than even in the United States, Great Britain or France. It is reported that in Germany, the Government is considering a drastic measure which would provide that one pint of beer consumed by a driver involved in an accident would be sufficient legal ground for the loss of his driving licence. The only workable solution to the problem of alcohol and accidents on the road seems to be to entirely prohibit the use of alcohol for the drivers. An association formed in Great Britain aims at discouraging drinking driving as driving and drinking do not mix well. The conclusion is irresistible that drinking drivers have no place in a driver's seat.

(paras 1 to 6)

The drinking driver presents a very serious problem in these days. Even when he has taken a light drink, he is a potential danger to himself and to other road users. The following limits of alcohol in blood have been adopted in some countries for driving.

<i>Name of the country</i>	<i>Limits of alcohol in blood for driving</i>
Scandinavian countries	.05%
United States	.15%
Czechoslovakia	No alcohol
Austria	.08%

The experiment in several countries in Europe has shown that impairment in judgment begins when alcohol in blood is above .03%. It will be safe if in our country that limit is imposed at .05%.

(paras 7 & 8)

In the case of a motor vehicle even with excellent brakes, the human element is involved. The total stopping distance depends upon perception or awareness of traffic situation and a decision how to handle it. It takes longer to stop a motor vehicle if there is alcohol in blood. Unless the laws absolutely insist on sobriety and clamp them down on every driver who is under the influence of alcohol, howsoever small, the roads are bound to become death-traps.

(paras 9 to 11)

In wet areas the danger at the hands of the drinking driver can be reduced by having a five to ten miles wide dry belt on each side of the highway. In addition to this a close vigilance should be exercised over the drivers at the bus stands. A minimum jail sentence should be provided in the case of drivers who have taken even a small amount of alcohol or if they are found in possession of liquor, while in charge of vehicles. A number of accidents which take place on the hill roads are attributable to drinking drivers, who obtain liquor from shops along the roads.

(para 12)

Alcohol is a much greater menace for a pilot in the cock-pit than it is for a driver of a motor vehicle. In Finland abstinence is compulsory for pilots. For several accidents tipsy-pilots were responsible.

The safety on roadways and airways depends upon the taking away of driving privilege when alcohol is detected in the system. There will be no drinking driving if a long imprisonment coupled with the loss of driving privileges for one year or above and certainty of conviction is ensured. The sober driver can avoid accidents caused through excessive speed, fatigue and poor visibility whereas tipsy driver may not.

(para 14)

Intensive education campaigns are being carried by Press, Radio and Television against dangers of drinking driving by most of the countries. There the public is even asked to ostracise those who contravene this injunction.

(para 15)

CHAPTER XI.—ALCOHOL AND MEDICAL SCIENCE.

There is a belief that alcohol is a stimulant, rouses a person to activity, quickens motions and is an excitant or that it spurs on a person under its influence. Medical opinion in America and Western countries has proved that the belief in the curative effect of intoxicating drinks is false. From the point of view of pharmacology alcohol has the qualities of a sedative, narcotic, hypnotic, analgesic and anaesthetic. These are the characteristic effects common to all depressants. Alcohol taken in small amounts is a sedative and hypnotic in the sense that it has sleep promoting quality. Taken in large amounts it has a narcotic effect. It is said that alcohol is a poison that reduces the efficiency of every tissue of the body that comes in contact with it. It gives an erroneous impression of activity as it is little realised that every time people use alcohol they break down the most precious of the social restraints which men have learnt in order to live in decent social relations among themselves.

(paras 1 to 3)

Alcohol is widely used by physicians as an antiseptic and astringent for external purposes. Its claim, however, as a curative by internal use has been held to be false. Dr. Janes Metnetki of Hungary declares that no doctor should ever prescribe alcohol as a medicine. A book "Alcohol and Man", a scientific work published in 1932, refers to the effect of liquor on the human system. The book has disapproved alcohol as being harmful. Dr. Arthur Dean Bevan, Dr. Haven Emerson, Dr. Howard Kelly, Dr. T. D. Crothers. Dr. Charles H. Mayo have all condemned liquor and are of the view that it has no utility as a medicine.

(para 4)

According to Professor Kronecker of Berne a two per cent solution of alcohol will paralyse a frog's heart. The full, bounding pulse, usually produced by alcohol, gives the impression of an increase in vigour of heart action. It can be seen from a tonometer that the bounding pulse is not the result of increased vigour but indicates a weakened state of heart. Alcohol lessens vital resistance, and the old belief that it is useful in the treatment of typhoid fever, pneumonia, scarlet fever, and other infectious diseases has been exploded. Alcohol destroys the power of body to fortify itself against the attack of germs and germ poisons. Nervous impressions travel much slower in a person under the influence of alcohol than in a

sober man. Alcohol shrivels the nerve cells and impairs every mental function. Under the influence of alcohol the fires of the body burn low, the amount of oxygen consumed is less and the tissue activities are slow. Emil Kraepelin declared that the effects of the alcohol on human body so far as a man's behaviour is concerned, depend upon the hold that alcohol has taken of his brain. Dr. Haven Emerson is of the view that alcohol dulls the capacity of the central nervous system through automatic reflexes.

(paras 5 to 8)

Laboratory research has shown that alcohol does not raise blood pressure, and produces the very conditions which are fundamental causes of shock and collapse. It is generally believed that alcoholic beverages stimulate flow of gastric juice and improve appetite and digestion. This is a popular misconception and this theory has been rejected long ago by the medical world. Alcohol rather causes starvation by replacing food. Professor Emerson describes alcohol as "the meanest deception, the poorest social cheat, that has ever been devised. It gives a quick result and the maximum harm for the amount taken". Alcohol actually hinders development of pepsin. Chronic gastritis is a disease which afflicts those who drink spirits and alcohol is a circulatory poison damaging the liver, heart and kidneys and tending to produce this disease.

(paras 9 to 11)

It is claimed that alcohol has considerable calorific value. It is only a temporary source of energy in the body and is distinct from other food substances which remain stored in the body for later use as bodybuilding tissues or in repairing tissues after an operation, injury or illness. Vitamin B1, in sufficient quantities, is needed by the human system for producing heat and energy. Alcoholic beverages contain no Vitamin B1. Among habitual drinkers, vitamin-calorie ratio is so small that diseases caused by nutritional deficiency frequently occur. There are diseases to which humanity is afflicted, which are intensified by worry and tension. Alcohol may make patients suffering from such diseases feel better because of its qualities as a sedative. The action of alcohol which pharmacologists think to be of some value in therapeutics is its narcotic action which by allaying the anxiety and distress of the patient may serve as an aid towards healing.

(paras 12 to 14)

It has been found that whenever *per capita* consumption of alcohol in a population goes up, the death rate from cirrhosis of the liver goes up. It is also believed that heavy drinking in combination with heavy smoking greatly increases the risk of developing cancer of the throat.

(paras 15 & 16)

Clinically alcohol has some use as a vasodilator in the dilation of the interior of the tubular structure of the blood vessels. Some pharmacologists have advised administration of alcohol in coronary artery disease to lessen the frequency and severity of anginal attacks.

(paras 17 & 18)

Alcohol is contra-indicated in renal and hepatic disease, in gastric and duodenal ulcer, in ulcerative colitis and in epilepsy. In peripheral arterial embolism alcohol considerably relieves pain which usually is severe. The claim of alcohol as a relieving agent in an acute attack of angina pectoris

has not found support. Alcohol has been used to increase communicableness and speech productivity in narcoanalysis. Alcohol has also been used as a pain reliever in dysmenorrhea but its use has led to alcoholic addition in some women. Dr. Ivy's views on moderate drinking are that alcohol even in moderate amount does not do any good.

(paras 19 to 24)

The leading members of the medical profession ought to inform other of their fraternity of the dangers involved in prescribing alcohol as a medicine. The medical profession owes to society an obligation to disabuse the minds of laymen of the false notions which commonly prevail. At the present time alcohol stands exposed as a most delusive, treacherous and pernicious agent that has ever been widely trusted by mankind. As it is recognised to be practically useless as a remedy, the medical profession should refuse to write prescriptions for its internal use. The leading physicians of America at the National Convention of Alienists and Neurologists unanimously declared it definitely to be a poison for brain and other tissues and as a cause of physical, mental and moral degeneration of people. It was also resolved that a systematic propaganda for the education of the public regarding the deleterious effects of alcohol should be continued and legislation for the said ends be secured. The resolutions passed at the annual meeting of the American Medical Association in 1917 also condemned the use of alcoholic beverages. The medical profession in India can render signal service by acknowledging openly that alcoholic liquors are useless as remedies for any disease and by resolving not to write prescriptions for its internal use. This was done in America 50 years ago. No other person is better qualified to inform and educate the people on the ravages of alcohol on mind and body than the medical profession. The word of medical science will be received *ex cathedra* and readily accepted. The medical men can influence the entire outlook on drinking and can reinforce the efforts of the educators, social workers, preachers and administrators. Law cannot allay any therapeutical claim by awarding jail sentences or heavy fines; legal machinery can function at its optimum only when supported by public opinion.

(paras 25 to 27)

The views given above are of some of the leading lights in the medical profession. Our object is to make the effect of alcoholic beverages better known to the medical profession and the laity.

(para 28)

CHAPTER XII.—ACTION OF ALCOHOL AND DETECTION OF INEBRIETY

Alcoholic beverages are divided into three categories: wines, brewed beverages and distilled spirits. Each of these has a different percentage or a range of percentages of alcohol. The more dilute the beverage is, the less alcohol is absorbed in blood and therefore beverages with lesser percentage of alcohol or diluted beverages have less harmful effects.

It is possible to predict from concentration in the blood how much alcohol has been absorbed, and conversely, from the amount absorbed, the concentration in the blood. When a person has taken an alcoholic beverage, after passing through the oesophagus, it goes to the stomach, where some of it is absorbed in blood and the remainder passes into the intestines. Blood carries it to all parts of body and produces intoxicating effects

in the brain and the higher nervous centres. This dulls the critical faculties of an individual and his capacity of self-criticism disappears. A small amount of alcohol induces a feeling of careless well-being, called 'euphoria' which is only deceptive and temporary.

(paras 4 to 6)

With an intake of liquor there is a lowering of inhibition, an increase of confidence, carelessness of consequences and lack of self-control. Later there is clumsiness and incoordination in the finer and more skilled movements. Then the motor and sensory cells are deeply affected and co-ordination is markedly upset, causing the patient to become giddy, stagger and possibly to fall. The final stage is reached where the subject passes into a state of coma. When injected in large quantities alcohol interferes with motor co-ordination, with speech and with respiration. In small quantities it causes dilation of peripheral blood vessels and a flow of gastric juice. Alcohol is in fact a depressant and not a stimulant.

(paras 7 & 8)

In acute drunkenness the breath smells of drink, the face seems flushed, the pupils are slightly dilated and speech is indistinct. There is inco-ordination in upper and lower limbs; blood and urine tests, however, furnish precise information. A model scheme of examination, to which the examiner should adhere, is to see general behaviour, pulse, temperature and co-ordination. The examinee may also be required to perform certain acts as of unbuttoning and rebuttoning waist coat.

With increase in drunkenness the detection of inebriety assumes medico-legal importance. When a person is 'drunk', he is entirely incapable of driving a car, but the main difficulty arises when he is 'under the influence of liquor'. In that stage he looks to be sober, while there is no proper co-ordination between his brain and limbs.

(para 11)

In order to determine whether a person is 'intoxicated' or is 'under the influence of a drink' the police used to resort to, and in India even now resorts to, time-honoured rough and ready tests. Some of these consist of finding out whether the subject can walk along a straight line, whether his speech is slow and his face flushed, whether he can touch the tip of his nose by closing his eyes, whether he smells of alcohol, etc. There are also behaviour tests such as whether a person is polite or impolite, talkative, silent or sarcastic. These tests are of doubtful value and the risk of conviction of the innocent on this basis cannot be ruled out. On the other hand, persons accustomed to taking large quantities of liquor can conduct themselves as if in full possession of their faculties and can escape punishment. The odour of liquor can be covered up by strong smelling things. It is, therefore, desirable to resort to scientific methods.

(paras 12 & 13)

Scientific tests have shown that a person having 0.15% or more of alcohol in blood is under the influence of drink and the one having 0.05% or less is sober for all intents and purposes. Difficulty arises when alcohol concentration is between 0.05% and 0.15% in blood. There is marked individual variation in this range. Now that chemical tests give an exact percentage of alcohol in blood, the advantage is that there is no danger of an

innocent person being wrongly committed. The present state of law, however, does not appear to be satisfactory. A uniform standard that a person having an alcoholic content of 0·05% or more in his blood will be considered to be 'intoxicated' or 'under the influence of drink' may be laid down for differentiating between the sober and the intoxicated. This will introduce an element of certainty.

(paras 14 & 15)

Dr. Ivy is of the view that the legal definition of intoxication in books of law should be that a person having 0·05% alcohol in blood instead of 0·15% would be deemed to be 'under the influence of drink'. This is recommended in order to prevent present injury, accident and deaths as a result of driving under the influence of drink. It should, therefore, be made mandatory upon the courts to hold that a person is 'under the influence of drink' or 'intoxicated' if the alcoholic content in his blood is 0·05% or more. The defences that the ingestion was voluntary or under a mistake, may remain open to him.

Blood, more than any other body fluid, gives an accurate concentration of alcohol in brain, but getting of blood sample may present a certain amount of difficulty, especially where the subject is not cooperating. Urine has certain advantages over blood in as much as it is more readily available, even without the cooperation of the subject. It, however, gives the concentration of alcohol in blood only at the time of the collection and this depends very much on the passage of time since the consumption of an alcoholic beverage. The concentration of alcohol in the bladder represents the average of the past several hours. Saliva's usefulness as a sample is doubtful as it requires considerable cooperation on the part of the subject.

(paras 18 & 19)

Breath has been widely used for the determination of alcohol in blood. A sample of breath for purposes of analysis has distinct advantages. This method also gives the exact concentration of alcohol in the blood, when the sample is taken. A spinal fluid is not deemed to be a good index of intoxication in blood. Nor is it easy to secure a specimen of spinal fluid.

(paras 21 & 22)

CHAPTER XIII.—THE APPLIANCES FOR DETERMINING ALCOHOLIC CONTENTS

In India blood analysis is the only method for determining alcoholic content, while in other countries some of the modern appliances are in use, which can also be adopted here. The appliances measure the amount of alcohol in the blood at the time of the test and are accurate in results. They have been given different names such as Drunkometer, Alcometer, intoximeter, Breathalyzer, etc.

(paras 1 & 2)

All of them test the breath but through different mechanisms, the details of which are given in the text.

(paras 3 to 9)

The breath tests have several advantages over the laboratory tests, e.g., their operational cost is low; they have minimum scope for objection; such tests avoid delays; the risk of swapping specimens is eliminated; their

result is accurate; and they can be performed on the spot. In countries where they are in use they help the administration in securing convictions to a very high percentage and also result in a pronounced increase in pleas of guilty which lead to increase in convictions. In India reliance is placed on non-scientific testimony, based on broad guesses which because of their vagueness give the offender a chance of escape.

(paras 10 to 12)

By the introduction of the modern devices the trials can be disposed of expeditiously and a quick trial and deterrent punishment can go a long way in containing the evil. The alcometer and other similar devices cannot be deceived by chewing aromatic things and thereby changing the odour of the breath. The devices help clearing the innocent, who, but for the scientific accuracy of such tests, might otherwise be falsely implicated through causes beyond their control. The medical profession reports a large number of medical conditions superficially resembling intoxication and a person in those conditions may be convicted for an offence even though he may be innocent. These tests point out whether the cause of behavioural aberration is the use of intoxicants or some other exculpating reason. Such tests will also make up for the want of trustworthy oral evidence. As these tests are unknown in India, wide publicity and demonstration should be given to familiarise the officers, courts and the public.

(paras 13 to 15)

The use of alcometer breath tests do not violate the provisions of Article 20(3) of the Constitution of India, or the principle of privileged communication as between patient and physician. The analytical results made on blood sample, taken from conscious or unconscious persons, and the drunkometer tests forcibly performed should be admissible in evidence. The licence to the driver may be issued subject to the condition that if he refuses to take test before a prescribed authority, the same may be cancelled. The drunkometer tests have been recognised by law courts, wherever they are in use. These instruments may even be used for persons who are required by statute to be sober when on duty. Many disputes such as those between employer and employee can be avoided through their use.

(paras 16 & 17)

SECTION FOUR : ILLICIT ACTIVITY IN RELATION TO LIQUOR

CHAPTER XIV.—THE PROBLEM OF ILLICIT DISTILLATION AND ILLICIT TAPPING

There are five main sources of illicit and misused liquor in both dry and wet states—illicit distillation, illicit tapping, smuggling, medicinal and toilet preparations and diversion of industrial alcohol. The first two are dealt with in this chapter; the third in the chapter on Smuggling and the last two in the Chapter on Misuse of Medicinal Toilet and Other Preparations. (para 1)

Illicit distillation is going on extensively throughout the length and breadth of the country including wet states. The broad pattern of illicit distillation throughout the country is the same but it has local variations. Maharashtra is completely dry but illicit distillation goes on all over the state. The conditions prevailing in Greater Bombay are particularly offensive. The areas of Raoli Camp, Matunga Labour Camp, Danda village near Juhu and Juhu are notorious for illicit distillation. Liquor is prepared under most unhygienic conditions which are revolting. Though the place of distillation can be located without any difficulty in the areas yet the police are not successful in catching the criminals. In village Dhutam in Uran Taluka of Colaba District the entire community seems to be engaged in distillation taking into account the large number of stills and the apparatus found on the spot. The cost of distillation fluctuates depending on the place of delivery. There are three types of deliveries—namely, spot delivery, mud delivery and direct delivery. In the case of the first-named method the sale price is the lowest and in the last-named it is the highest.

(paras 2 to 6)

Various safety measures are taken by the illicit distillers, one of which is that the operator at the approach of the police receives a warning signal and leaves his hut where he is carrying on the illicit distillation and again commence his activities soon after the police leave the spot. In the absence of any proof of ownership, the police seize or destroy the crude appliances. The places where illicit distillation is carried on are filthy and dingy. The latrines and the heaps of night-soil and rubbish are used for storing the wash. One noticeable practice of the distiller in Bombay is the employment of lepers, particularly leper women, for transport of their liquor from one part of the town to the other. They use different devices for carriage, for example bicycle tubes, rubber bags, football bladders, etc. The leper carriers are paid handsomely. The enforcement staff is paid haftas regularly by the illicit distiller, the amount depending upon his capacity for producing illicit liquor.

(paras 7 to 11)

Gujarat is a completely dry state. Illicit distillation is prevalent there, but on a smaller scale. *Surat* District is the worst affected.

(para 12)

Madras was the first state to go dry. The worst affected areas in the State are Virapalayam near Erode in Coimbatore District and Pallipalayam

in Salem District. The number of distillers along the banks of the river Cauvery upto Shawani is considerable.

(para 13)

Rajasthan is a wet State except for Mount Abu. Illicit distillation presents a serious problem in the State. Mahua flower is the base for distilling liquors which is also used for the purposes of food by the Bhils and other tribals.

(para 14)

In *Andhra Pradesh*, out of twenty Districts eleven are wet and nine dry. Vishakhapatnam and Vijayawada are notorious for manufacture of illicit arrack.

(para 15)

In *Uttar Pradesh*, which is completely wet, except for a few cities, illicit distillation goes on in urban and rural areas. Mahua flowers, gur and molasses are used for distillation of liquor.

(para 16)

The *Punjab State* is wet except for Rohtak district and illicit distillation is prevalent in the State.

In *West Bengal*, despite the fact that it is wet, illicit liquor is manufactured extensively. Ammonium sulphate is used as catalytic agent and Mahua flowers and jaggery as the base for liquor. The conditions in Calcutta, from the point of view of filth, hardly find a parallel even in the filthiest parts of Bombay. In Bankura district, the population of leppers is considerable and they engage themselves in distillation.

(paras 18 to 21)

In *Mysore*, distillation of arrack is made from rotten jaggery, cashew and rice. There is a large number of palmyra trees from which toddy is extracted. In Mangalore, the drink produced from cashew is popular and is believed to have high alcoholic content. In Mysore, it was learnt that frequently injurious substances like frogs, lizards, etc., were being used purposely and deliberately, and not just by negligence. It was also related there, that in 1962 a number of people died as a result of poisoning through illicit liquor. The workers in Kolar Gold Mines told the Team that they needed alcoholic drinks.

(paras 22 to 24)

Jammu and Kashmir is wet. There is no illicit distillation where Muslim population is in majority. The Budhists in Leh are given to drinking. In Jammu there is considerable illicit distillation. Most of the tinctures which are being misused are produced there.

(paras 28 & 29)

In *Madhya Pradesh*, out of 43 districts four are partly and six are entirely dry. There, illicit distillation goes on in the wet as well as dry areas. The enforcement staff has not been able to curb drinking among the tribals. The local drinks are made from Mahua, rice, cereals and fermented juices of palmyra trees. The bootleggers in the State sell their illicit produce among the labourers.

(paras 30 & 31)

In *Orissa*, out of 13 districts 5 are dry. Illicit distillation is prevalent in the wet as well as in dry areas. The illicit distiller uses molasses for

preparation of liquor. There is a tradition of drinking among the Adivasis and their women and children.

(paras 32 to 34)

In *Himachal Pradesh*, 15 per cent of the area is dry. *Lugdi*, a drink of small alcoholic content is made locally out of rice and its use is traditional.

(para 35)

Illicit distillation not only brings untold gains to the persons engaged therein, but also gives impetus to ancillary industries which, though not illegal by themselves, are accessory to violation of law. The apparatus for stills and other paraphernalia are openly sold. A successful distiller, transporter or smuggler not only violates the law but engenders contempt for it and emboldens the like-minded to disregard it. This puts a demoralising strain on law abiding citizens.

(paras 36 & 37)

Illicit tapping goes on in those parts of the country where coconut, palmyra, date and sagopalm trees abound. The so-called neera societies established there are really making toddy.

Illicit distillation proceeds in wet as well as in dry areas. There are several factors which help the illicit distiller and hamper the enforcement. An effective solution of the problems enumerated in the Report will, we believe, furnish the key to the containment and elimination of illicit distillation and tapping and thus contribute to the success of prohibition.

(para 40)

CHAPTER XV—THE PROBLEM OF SMUGGLING

Smuggling raises its head whenever the profits in contraband articles appear to offset the costs including risks. High taxation and smuggling are interconnected. Rum-running was one of the grave problems which menaced the enforcement of prohibition laws in America. Smuggling of drinks goes on from wet areas into dry areas within the same State and also across the State's frontiers. Inter-State smuggling in the country should be checked not only by the police on the receiving side but also on the sending side. Smuggling of liquor is also carried on from foreign countries by sea, land and air routes. Before the merger of the former Portuguese territories of Goa, Daman and Diu, consignments of liquors which arrived there, were smuggled into Indian territory. There are five ways, as detailed in the Report, in which foreign liquor is brought into India by ships.

(paras 1 to 4)

The topography of Bombay helps the smuggler. It has a long coast line with a number of creeks and rivulets. The *Kolies* and *Agaries* who are fishermen by avocation are experienced bootleggers and smugglers. They own their own boats which they ply between Greater Bombay and places like Daman and Goa. They also have their signal code on the coast as also with the incoming ships. The incentive of high profits induces them to take risks of smuggling. The police crafts are handicapped as they have not the same knowledge of the coastal contour as professional smugglers have. If the police crafts were smaller and lighter, and those who man them were given better training, they could give a better account of themselves against the fisher folk. Smuggling from the ships also goes on along

the approximately 40 miles strip up the Hooghly river from the open sea to Calcutta harbour.

(paras 5—7).

Foreign liquor and the IMFL (Indian made foreign liquor) are booked by air from the cities like Delhi and Calcutta in the name of fictitious firms, or carried in the personal baggage of the inland passengers and of airlines personnel. Contraband liquor is also transported from wet to dry areas through railways, as this is a cheaper and more convenient mode of transportation. Liquor is also smuggled by road in vehicles, trucks, vans, taxies, private cars etc. some of which have even got concealed receptacles. Their detection, particularly when they are moving in rush hours, is a baffling problem.

(paras 8—10)

A considerable amount of smuggling goes on across our land borders. In West Bengal liquor is being smuggled from Bhutan, Sikkim and Nepal. In Bhutan there are quite a number of distilleries. On the Sikkim border a distillery is just across the rivulet and liquor can always be drunk there and also brought into West Bengal.

(paras 11—13)

There are a number of foreign clubs and foreign associations of businessmen in which the supply of foreign liquor is far in excess of their requirements. Four distilleries in Daman, Diu and Nagar Haveli produce quantities greatly in excess of their need. The sale of liquor in Pondicherry and Karaikal has also been going up. All extra liquor from these sources flows into the markets of the country.

(paras 14—18)

Resale of liquor from canteens fetch handsome profits.

(para 17)

CHAPTER XVI: *Bootlegging and Gangsterism*

Illicit distillation has introduced gangsterism which is threatening the peace and quiet of the law-abiding. Bootlegging and gangsterism go hand in hand in congested localities in large towns. The gangster leaders known as 'Dadas' in Maharashtra have their own territorial zones in which they are supreme. The lawabiding citizens prefer to turn a blind eye to their operations. The 'Dada' is acquiring power and prestige and the police is powerless to protect the victims of gangsterism. It seems that the arm of law is not long enough or strong enough to lay the 'dada' by the heel. He commands unquestioned loyalty and obedience from his employees.

(paras 1-2)

The bootleggers engage themselves in other profitable anti-social occupations, e.g. running brothels and gambling and harbouring criminals. The bootlegger has a number of goondas at his beck and call and has power and wealth to protect them; this is one of the reasons why cooperation from public is not forthcoming. At the time of election his influence is sought by politicians and in consideration of his services he gets protection from the politically influential. Sometimes he contests the elections himself and attains political influence and social status. The menace of bootlegging is not confined to dry States, but is threatening the wet States also. Bootlegging has become a remunerative criminal activity which defies control through ethical inhibitions. For every bootlegger there are dozens of the

so called respectable citizens who are on the receiving side and wink at the infraction of law. It is in this atmosphere that the bootlegger and gangster criminal acquires a social importance.

(paras 3—6)

“Scarface” Alfonse Capone and Colosimo controlled bootlegging and had built an underground empire in America.

The attitude of the leaders of the gangsters was that they were justified as they were satisfying a public demand. The gangsters had built their own under-world empire and sometimes there was an unholy alliance between politicians and criminals. Torio, a notorious gangster boasted that he owned the police. There is evidence of wealth-producing criminal activity in some of the big towns, particularly Bombay, Delhi, Calcutta and Hyderabad. Wealth-producing criminal activity, without the law being able to restrain it, engenders a spirit of lawlessness and all law becomes an object of derision.

(paras 7—11)

CHAPTER XVII: *Racketeering, Graft and Corruption*

The racketeer engages in a business which meets the demand of a section of the public by making available goods or services banned by law. For its success, racketeering depends upon close alliance with the seemingly respectable wielding influence.

The trafficker in moonshine liquor could be contained if there were vigilant public opinion and vigorous enforcement. The attitude of cynicism has plagued the public as well as the police. The racketeer out of his huge profits diverts a good portion for purposes of subversion. He believes that it is safer to throw a sop to the watch-dog than to try sneak past him by trickery. He strengthens his power and increases his influence and sometimes obtains the political protection by contributing funds for political efforts or for election campaigns.

(para 2)

The dasas are elusive and pay any price to the enforcement in order to be enabled to engage themselves in their business without police interference. They are undermining the fidelity of the police by allurements of monetary temptations. Swift must be having similar situation in mind when he said, “Laws are like cob-webs which may catch small flies but let wasps and hornets break-through”. Once an inroad has been successfully made into the integrity of an enforcement official the door is thrown ajar for other crimes as well.

(para 3)

The distillers and smugglers have plenty of money to buy protection for their illegal activities. Several prisoners in the course of interview admitted before the Team that they paid regularly fixed amount to the enforcement staff. The gangs of distillers cannot work except in cooperation with the police. Thus, prohibition is being stabbed in the back by those who are paid to enforce it. By mutual agreement between the bootleggers and the enforcement men of straw are put up in court for prosecution the object very often is statistical. The real culprits make it worth the while of the poorer sections to consent to become the scape-goats. They are the bootleggers’ dummies and willingly confess their guilt and are usually awarded light sentences. During the period of their brief incarceration, their

financial needs and those of their families are looked after by their boss. The cases are usually uncontested and a farcical homage is paid to the law and procedure. The men in the racket are making a bumper harvest and those who are their underlings are making a comfortable living. The only persons who are noticeably unhappy are the women and children of the drinkers who are voiceless and mute.

(paras 4—12)

It is unfortunate that the enforcement of prohibition laws is entrusted to those who themselves are given to drinking. Naturally the results are bound to be discouraging. There are several inter-connected factors which are retarding the progress of prohibition in dry areas and are creating a vicious circle of despair and failure. Starting with high profits and the increasing income and wealth of the bootleggers, we have the venality of the enforcement staff, the weakness of the politician, the onslaught of the press which derides the drys and espouses the wet cause, and, above all, public apathy. The illegal traffic could not flourish but for the protection it is getting through graft.

(paras 13—17)

The horrifying glimpses of the turn-coat administration in America contained a warning of which we should take heed.

In order to meet the menace of a wealth producing crime, the resources and the ingenuity of the administration have to bear a heavy strain. If the anti-social elements can be curbed and illegal liquor can be contained, no price can be too high and no expense should be grudged.

(paras 18-19)

CHAPTER XVIII: *Impact of drinking by the world of fashion and officials*

There are four types of drinking, viz. misery drinking, industrial drinking, occupational drinking and convivial drinking. This chapter deals with the last type. The wealthier classes are given to ostentatious living and often fall a prey to alcoholic beverages. The problem of the young people is that if a new idea enters their head, they recklessly pursue it without stopping for a minute to think of the consequences. There is a certain amount of drinking of alcoholic beverages among the young men, particularly in families where parents drink. The number of such young men in public schools is also substantial as drinking is common among their teachers. They can be prevented from drinking by psycho-therapy and also by bringing home to them the necessary information and factual data regarding the harmful effects of alcohol. It is possible that drinking may become a youth problem in this country as it is in the Western countries.

One serious danger, the effect of which cannot be minimised, is the increasing social acceptance of alcoholic beverages as a symbol of status. Unless the bottle is deposed from its high social pedestal, and drinking is eschewed by the upper social strata, the bad example set by the affluent and the influential will be readily followed by those who look upto them as models.

(paras 1—4)

Sometimes the parents do not mind letting their teenage children have a sip. Most teenage drinking is attributable to lax paternal chaperonage. Sometimes a feeling is created in the teenagers that they can overcome

shyness and social restraint by drinking. This is particularly true of the sophisticated upper social strata. Parents cannot successfully maintain double standards, laying one type of norm for themselves and a different one for their children.

The officers of the Government have also conferred a high status on liquors. They occupy a position of power and influence in this country and become models for imitation by others. It will be found that there is considerable drinking among them. If there is any single factor which stands effectively in the way of success of prohibition, it is the drinking officers. Half the battle for prohibition will be won if the Government servants could stand fast by the dry cause. The 18th Amendment was scuttled by the people in the Government of U.S.A. In the dry States the attitude of Government servants is lukewarm and apathetic. It will be in the fitness of things if the work of prohibition is entrusted to those who are teetotallers by conviction. The Government servants, conduct rules should contain provisions against drinking. In the case of new entrants abstinence from drinking could be made one of the conditions of service. The present incumbents should not be allowed to drink or serve drinks in public. What applies to Government servants holds good equally in the case of public men and political leaders. The example of John Diefenbaker, Canada's former Prime Minister, carries a lesson. He is proud of the fact that he is an abstainer and does not lose any opportunity of making it known to others. At none of his functions spirituous liquors are served. According to him cocktails are a "hazard" and an "extra handicap" in international relations.

(paras 5—10)

Those who are interested in prohibition have to see to the deglamorisation of the bottle, or else the 'best people' would persist in setting the worst example.

CHAPTER XIX: *Diversion and misuse of duty-free imported liquor intended for Embassies and Missions in India*

The privileges and amenities enjoyed by the members of diplomatic missions, Ford Foundation, American International Development Mission, U.N.E.S.C.O., U.N.I.C.E.F., W.H.O. & E.C.A.F.E., include the import of liquor duty-free and the supply of duty-free imported liquor. The liquor is not subject to any duty either of the Centre or of the States. The diplomatic personnel generally obtain their supplies of imported liquor either by direct import or by imports from port towns or by taking issues from the local private custom bonds. The exemption certificates are directly countersigned by the heads of the diplomatic missions in Delhi. Once the goods are cleared from custom ports, with the help of the exemption certificates, they are brought to Delhi without any further restrictions. The delivery is not taken by the privileged person himself but by someone else on his behalf and there is no guarantee that the entire goods in fact reach the former. They are often diverted, while in transit. In some cases the imports by embassies are far in excess of their genuine requirements for consumption. Again, the price of duty-free imported liquor is lower than the price of Indian-made foreign liquors and, of course, very much lower than the retail or black-market price of foreign makes, so that there is an irresistible temptation for its clandestine diversion for sale in the market.

(paras 1 to 4)

The liquor imported by embassies finds its way to an outside consumer through the agency of a licensee or employee of the embassies or lower-grade staff working in the embassies. It is a very serious and delicate issue and there is no intention to cause any embarrassment to the Government. However, the following suggestions, as detailed in the Report, may probably help to arrest the misuse of liquor supplied to the embassies:—

- (i) The foreign missions and other privileged organisations should assist in restricting import of liquor to the absolute minimum necessary;
- (ii) The exemption certificates may be signed by the head of the mission or privileged organisation.
- (iii) The delivery may be taken by officials only;
- (iv) Information of delivery may be sent immediately to the local excise authorities;
- (v) The stock of liquor may be kept under the charge of some responsible officers; and
- (vi) Payment of all such liquors may be made by official cheques.

A statement has been attached (pp. 224-225 of Volume I, Part I) showing the quantities of spirits cleared by the diplomatic missions for official/personal use during 1963.

CHAPTER XX: *The problem of toddy and neera*

Toddy, as referred to in this Report, means a drink of low alcoholic content manufactured from the fermented sap of four different types of palm tree. The juice when freshly extracted is called neera, which is non-alcoholic. Fermentation starts in it after a few hours, but is delayed if the pot is clean and lime washed. After fermentation for 9 to 12 hours neera becomes toddy with an alcoholic percentage varying between 3 to 8%. Neera is said to have high nutritive value and is used for conversion into sugar and gur. Toddy is said to be refreshing when taken after hard work in moderate quantities. Lime is widely used in the preservation of neera.

(paras 1 to 4)

The prohibition scheme covers toddy also. In the dry areas of Andhra, 'Sweet Toddy' Rules of 1959 as amended upto date are in force, but generally they are more honoured in the breach than in observance. Usually whatever goes in the name of neera is in fact toddy. In Mysore, the cooperative societies which have been formed to extract neera for manufacturing gur, seldom do so, but ferment it into toddy. In Gujarat toddy drinking still remains a problem, especially among the Adivasis and the fisher folk.

(paras 5 to 7)

'Neera' in various states is not so popular as the Government policy wishes to make it. Only a small fraction is used for legitimate purposes and the rest being misused both in dry and in wet States in various ways as detailed in the report.

(paras 8 to 9)

The greatest evil of the sale of toddy is that it is adulterated with habit forming drugs, one of which is chloral hydrate. Andhra Pradesh supplies Chloral hydrate to various parts of the country in large quantities.

Generally neera is collected in unclean pots and kept under unhygienic conditions. There is a marked tendency to consume toddy in excessive quantities so that in many cases not only drunkenness arises, but also a totally irrational proportion of consumers' budget is spent on this drink. In these circumstances, it is essential that admixture of chloral hydrate and other adulterants should be prevented and the drink should only be prepared under Governmental supervision.

Toddy drinking presents serious problems for administration. If it is stopped, people may resort to drinking distilled arrack which is far more injurious than toddy. In such conditions, it will not be advisable to ban toddy which people have been drinking traditionally and for a long period. It may take even a decade to bring home to the people that toddy drinking is injurious. Meanwhile the liberalisation of toddy may help in containing the more serious evil of distillation of illicit arrack.

(paras 11 to 15)

There is a section of opinion which is of the view that drinking and sale of toddy ought not to be brought under a legal ban, as it refreshes after a day's strenuous work. The workers should not be deprived of it till they become used to some non-alcoholic drink, or else they are likely to take to a worse substitute in the form of arrack with all the attendant evils of hard drinking. Toddy is said to be a restorative. Medical opinion, however, does not seem to be unanimous about its usefulness. The views of two eminent physicians of India are reproduced in the main report.

(paras 16 to 20)

The palm tree has diverse uses and considerable potentialities, and the destruction of these trees is insensate. It is suggested that if neera were popularised among industrial workers in place of toddy, it has the potentiality of driving toddy out of vogue. Other suitable non-alcoholic drinks can also supplement neera. Development of neera, palm gur and subsidiary industries will go a long way towards successful prohibition. There is a large scope for developing palm industry, through which the scheduled tribes and castes will stand to benefit a great deal. This industry alone can contribute a lot to stopping toddy drinking.

(paras 21 to 25)

The opinion of various committees set up in the past has differed widely on the question of toddy. Some committees like the Madras Prohibition Enquiry Committee (1948) recommended a ban on toddy, while others such as Andhra Prohibition Enquiry Committee (1954) suggested a free sale subject to some restriction on the hours of sale, and the age of consumers, and some suggestions such as the abolition of the auction system and the reduction in sale price.

(paras 21—25)

CHAPTER XXI: *Misuse of spirituous medicinal Toilet and other preparations*

There is a large-scale misuse of spirituous preparations, which are, in many cases, used as a substitute for potable alcohol. Operations for the manufacture of such preparations are carried on, in some States, on a large scale and traffic is not limited to dry areas but moves freely in wet States also. In some States, there are mushroom pharmaceutical concerns which come into existence where they can secure large quotas of spirits and convert them into potable drinks, in the guise of medicinal or toilet preparations, and make huge profits. They then transfer their activities to other States after reaping bumper harvest. It has been explained to us that there

is hardly any medicinal use for most of the medicinal preparations containing alcohol, especially tinctures which have become out-moded. There are far better other medicinal preparations which are in daily use and are not alcohol-based. It has been noticed that the actual quantity produced of some of the alcohol-based preparations would be sufficient for almost the entire humanity, assuming every human being was suffering from the malady for which such a preparation might be considered to be a cure.

(paras 1 to 3)

At present there are two enactments which can control the manufacture of spirituous medicinal preparations, namely, the Medicinal and Toilet Preparations (Excise Duties) Act (16 of 1955) and the drugs and Cosmetics Act (23 of 1940). In accordance with the provisions of the former Act, spirituous preparations can be made either in bond or outside bond after paying a higher duty on alcohol. Again preparations are divided into two categories, restricted and unrestricted. Restricted preparations can be consumed as alcoholic beverages. Preparations made in bond are supervised by the Excise Officers in charge of the bonded laboratory. It is recommended that the provisions of the Medicinal and Toilet Preparations (Excise Act), 1955 and the rules thereunder should be so altered as to permit of qualitative and quantitative check being exercised over preparations in which alcohol is issued. The manufacturing firm should accommodate itself within a quota given to it. The quotas of alcohol should be given to such firms with reference to individual preparations after ascertaining their legitimate needs and not a general quota. The Drugs Act requires that all drugs are manufactured under a licence. Under the Drugs Act, emphasis is laid on quality and the Inspectors appointed periodically inspect factory premises and take samples of drugs. It is the primary responsibility of the manufacturers to manufacture standard drugs. It has, however, been seen that the number of Inspectors appointed by different States is woefully inadequate.

(paras 4-5)

To get a proper perspective of the problem involved, the spirituous medicinal preparations may be divided into four categories:

1. Medicinal preparations prepared and used according to the Allopathic system of medicine.
2. Medicinal preparations prepared and used according to Ayurvedic system of medicine.
3. Medicinal preparation prepared and used according to Homoeopathic system of medicine.
4. Toilet preparations containing alcohol.

The first category again can be divided into two classes namely, (i) Patent Medicines, and (ii) Pharmacopoeial Preparations. The second type of medicines are largely misused. Drugs Act recognised the British Pharmacopoeia, the British Pharmaceutical Code, the United States Pharmacopoeia and the Indian Pharmacopoeia. There is a large variety of allopathic medicinal preparations manufactured in suspiciously large quantities far in excess of their use as genuine medicines. They are also prepared in large quantities and provide alcoholic beverages in the guise of medicines. The widely misused tinctures are Zingiberis, Extract Rauwolfia Tincture Calandulae, Tincture Cimicifuga, Tincture Aurantill, Tincture Cardamom Co. There is another lot of medicinal preparations *e.g.* spirit ammonia

etc., which are also misused. In case of tinctures the standard for identity and purity are generally not given. The only ingredient that is stated in such cases is alcoholic content. At the time of test the analyst declares such tinctures as standard. Many tinctures, even if prepared in strict compliance with the pharmacopoeial standards, are liable to be misused. Some of the tinctures are not genuine at all. In addition to this some manufacturers have resorted to making ear drops of resorcinol. They are generally misused. It, therefore, appears that considering the genuine need of tinctures to be very limited the manufacture of absolutely essential tinctures should alone be permitted. The British Pharmacopoeia has reduced the number of tinctures from 34 in 1932 to 14 in 1963, and the United States Pharmacopoeia from 19 in 1942 to only 6 in 1960. The Indian Pharmacopoeia still contains a list of 42 tinctures. It is advisable that Indian Pharmacopoeia should fall in line with this trend in therapy and reduce the number of tinctures. An All-India Committee may be constituted for that purpose. Some of the tinctures have no use whatsoever though they figure in the Pharmacopoeia. Their deletion should be examined. The manufacture of some of these should be stopped. Tinctures, which are not listed in the latest additions of the International Pharmacopoeia, should not be allowed to be manufactured. The manufacture in such factories of the ear drops and eye drops, should be banned. Preparations like Tincture Belladonna 30X and Tincture Nux Vomica 30X need being excluded from Homoeopathic Pharmacopoeia. For this purpose experts in Homoeopathic preparations should also be consulted.

There are many lacunae in the Drugs Act, 1940. Section 8, Section 3, the schedule and several other provisions require amendment. It is recommended that the provisions of the Drugs Act be so amended as to require that only therapeutically efficacious allowed to be marketed. The number of Inspectors under the Drugs Act is also inadequate in many States and ought to be increased. Only such drugs as are therapeutical and are safe for use should be permitted to be manufactured under the Drugs Act. (paras 19 to 24)

A limited number of tinctures and other spirituous pharmacopoeial preparations which are essential should alone be subjected to a concessional rate of duty. All other preparations in the first instance should be subjected to higher rates of duty. A better safeguard against misuse and a more effective guarantee for standards and purity would be that all tinctures required for medical use should be manufactured by the Government only. The resolution passed by the Central Health Council in Madras in October last recommending that tinctures should be manufactured by Government only and the total quantity of tinctures for bonafide use should not exceed 5,00,000 gallons, may be implemented by the Government. Another suggestion for consideration is that the Government should have the monopoly of the production of all classes of spirituous preparations. (paras 25 to 27)

On the distribution side the Government should control the supply to genuine customers e.g. hospitals etc. The pharmaceutical firms, if entrusted with manufacture of spirituous preparations, should be required to maintain records of the quantity supplied. This record may be maintained from stage to stage as supplies reach the remote consumer. In order to prevent misuse of medicinal preparations, it is necessary to make an assessment as to their legitimate use as medicines and there should be a quantity control as also quality control. Another suggestion is that the entire manufacture of alcoholic preparations should be in bond. (para 28 to 30)

The preparations known as Asavas, Arishtas are prepared by the process of maceration and usually contain self-generated alcohol. When properly made the alcohol content does not exceed 10 to 12 per cent by volume. They are not supposed to contain any added alcohol. Instances have been reported where under the guise of Asavas, preparations containing as much as 80 to 90 per cent by volume of alcohol are being marketed. The manufacture of Asavas by the addition of alcohol or by distillation should be prohibited. Another class of spirituous Ayurvedic preparations is known as Suras and Sudhas. The only way to put a stop to such preparations is to subject them to a very high rate of duty so as to make their availability as costly as possible. Ayurvedic preparations are not controlled under the Drugs Act and an early effort should be made to bring these within the purview of this Act and also to establish standards for such preparations.

(paras 31 to 34)

According to the Homoeopathic system, the more dilute a tincture is, the more potent it becomes. All these dilutions are done with alcohol. Such tinctures can, therefore, be used in place of alcohol for potable purposes. It has been reported that hundreds of gallons of homoeopathic tinctures of various dilutions are being made and mostly consumed as ordinary alcoholic beverages. If it may be assumed that every human being on earth suffered from a disease of which the particular tincture was a cure, the supply of one such concern would be more than sufficient for the entire humanity, and that too for very many years to come. It would be necessary to assess the requirements of homoeopathic tinctures for bonafide use and restrict the manufacturer only to the bare requirements. The manufacture should also be required to pack the medicines in small containers only. It may also be worthwhile to investigate whether dilutions cannot be made by substances other than alcohol. Lactose is a common diluent.

(para 35)

A fourth category of preparations consists of toilet preparations with high alcoholic content. These are being produced in uncommonly large quantities and are being misused as intoxicating beverages. They go under different names. We suggest that a suitable denaturant be added to alcohol so that their use for potable purposes may be prevented. The denaturants should be such as would not lend themselves, to easy removal and should be non-toxic. The manufacturers should be required to maintain accurate and complete records of the distillation.

(para 36)

The misuse of denatured spirit is on a very large scale. The principal reasons are that its alcoholic strength is very high and it is very cheap. Moreover, the two denaturants cauchoucine and pyridine can be eliminated by a simple and inexpensive process with which the law evaders are familiar. This largescale misuse has created great scarcity of denatured spirit for genuine domestic and industrial use. It is essential that its diversion into potable liquors is effectively prevented. In the United States, there is completely denatured alcohol which cannot be made potable. Advice of a committee of experts may be sought for inclusion of new types of denaturants, so that the misuse of denatured alcohol as a potable liquor can be avoided. The other spirituous industrial preparations frequently misused, particularly in dry States and in zones, are French polish and thinners. There are no restrictions as to their sale. It is difficult to suggest

any other ready solution; except of addition of effective denaturants in them. The Government can, however, keep a watch over the quantities. The other remedy is to bring home to the people the dangers which lurk if such substances are used as drinks.

(para 37)

We suggest that the Drug Inspector should check the names of the firms, chemists and druggists, to whom the spirituous preparations are being sold by manufacturing houses. A suggestion was given that the chemists and druggists should be allowed to stock no more than one pound of spirituous preparations. This deserves consideration by the Government.

(para 38)

Chloral hydrate is a hypnotic and is used as such particularly in pediatric practice. It has been reported that large quantities of chloral hydrate were being misused by mixing it with toddy, liquor and other synthetic drinks. The Governments took the following action when it was brought to their notice that they were being misused: (1) Import of chloral hydrate was altogether banned and (ii) Chloral hydrate was declared to be a poison and its retail sale could be made only against a prescription by the registered medical practitioner. Notwithstanding these measures, even now, large quantities of chloral hydrate are being manufactured and put to clandestine use. At present there is no restriction on the wholesale sale of chloral hydrate to any interested party. It is desirable that this big lacuna should be removed as early as possible. No sale of chloral hydrate should be allowed to be made unless it has been ensured that the party to whom chloral hydrate is sold is a bonafide party which will utilise this substance for bonafide use only. Provisions of the Drugs Act may be suitably amended.

(paras 39 & 40)

The Government of India constituted a departmental Committee in 1961, consisting of representatives of various Ministries concerned with the above problems. The Committee made a number of useful suggestions for prevention of misuse of medicinal, toilet and other such preparations for potable purposes. No action seems to have been taken on most of these recommendations. It is desirable that action should be taken to implement them.

(para 41)

CHAPTER XXII.—PREVENTION OF MISUSE OF MOLASSES.

The most popular base for distillation of liquor is furnished by molasses produced in sugar factories and 'Khandsari' units. The Central Government has made the 'Molasses Control Order' so as to make provisions for the storage, sale, removal etc., of molasses produced by sugar factories. This order, however, does not cover molasses produced by Khandsari Units in the open pan system. The control is, therefore, partial. The order itself contains several loopholes.

The prices of different grades of molasses have also been fixed but they are very low in comparison to market prices and therefore the factory owners are tempted to secure their rejection and sell them in contravention of the Order.

(paras 1 to 3)

The distilleries use molasses if fermentation has not started in them. It therefore pays to have fermentation started through mixing water and have molasses rejected by distilleries. The rejected molasses fetch more money to the factory owners the free market price being several times higher than the controlled price. The major portion of such rejected molasses goes to the illicit distiller.

(paras 4 & 5)

There are very few sugar factories which have covered storage space for molasses. Where space is provided, there is no enough of it to store all the molasses. The result is that they are adulterated by water, and then the allocated portion of molasses is not lifted by the distilleries because of fermentation. Such molasses go mostly to illicit distillers at higher rates. In the year 1961-62 out of 6,40,203 metric tonnes of molasses, only 4,70,680 metric tonnes were consumed by distilleries in Andhra Pradesh, Assam, Bihar, Gujarat, Jammu & Kashmir, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore, Orissa, Punjab, Rajasthan, Uttar Pradesh, West Bengal and Pondicherry.

(paras 6 to 9)

The khandsari system is outside the scope of the Molasses Control Order and khandsari producers are free to sell their molasses to whomsoever they like. Their figures of production are not available but suitable arrangements should be made for proper utilisation of their molasses.

(para 10)

Several industries depend on large quantities of alcohol, and several enterprises have either been closed or have been running below capacity because of the non-availability of alcohol. This shortage of industrial alcohol is in turn due to the non-availability of molasses to distilleries. The Government should devise ways and means to ensure that the molasses are properly utilised for priority needs. After reservation of adequate molasses for bonafide use, such as industrial alcohols, tobacco curing etc., the disposal of balance should be subject to close scrutiny and should not be allowed to find their way to illicit distiller.

(paras 11 & 12)

Surplus molasses, if there are any, can be exported to earn foreign exchange inasmuch as the export price is quite remunerative. Molasses should be arranged to be collected for priority uses not only from sugar factories but also at specific delivery points from the open-pan producers of khandsari. This will minimize their passage into the hands of distillers. Rigid control is required to prevent their misuse, as the distiller is making enormous profits out of them.

(paras 13 & 14)

CHAPTER XXIII.—THE CONTROL OF OTHER RAW MATERIALS

It must, however, be conceded that complete control of molasses and other raw materials is extraordinarily difficult if not impossible. Even if molasses from sugar factories are fully allocated at the controlled price,

resale at free market price is possible. Secondly there is the problem of molasses from the open pan khandsari industry which is often diffused all over the place. Some control, no doubt, can be devised and khandsari molasses arranged to be collected at various spots. But when gur prices are high, it is possible that khandsari producers will use their molasses to make and sell molossine gur rather than deliver their molasses at collection points.

Thirdly, even if molasses from all sources were fully controlled, gur or Jaggery is available to anyone and this is as good a base for liquor production as any. Materials other than gur such as rice, neera, mahua flowers and fermenting agents like ammonium sulphatè, nausagar are all easily and abundantly available. These items have many important alternative uses in daily life and their control in the ultimate analysis is an incomplete solution. While the control of raw material can be attempted in a manner more thorough than hitherto prevalent, the total control of raw material base is not possible.

CHAPTER XXIV.—THE RELATIVE SUCCESS OF PROHIBITION IN GUJARAT AND MADRAS

There is a greater relative success of prohibition laws in Gujarat and Madras than in Maharashtra and other States. The reasons appear to be: (i) a low propensity to drink among the population of Gujarat and Madras compared to some other areas; (ii) the hold of tradition and religion; (iii) a period of education and preparation preceding prohibition; and (iv) the existence of a large number of social workers of standing and responsibility.

(para 1)

But it would be wrong to think that there are no abuses of prohibition laws in these States of relative success. If illicit distillation and sale of 'arrack' and the abuse of medicinal and toilet preparations appear to be better contained and circumscribed in Gujarat and Madras, it is to some extent because of some leakages on the supply side. These are :

- (i) the difficulty of keeping a vigil on the illicit tapping of toddy trees which are widely diffused in Madras and concentrated in the eastern belt of Gujarat inhabited so that the propensity to drink gets more or less satisfied;
- (ii) the existence in Gujarat of ex-Portuguese pockets of Daman, Diu and Nagar Haveli, and in Madras of the ex-French possessions of Pondicherry and Karaikal. It is permissible to manufacture liquor there, and it is illegally transported from there into the dry area;
- (iii) the extensive coast line of Madras and Gujarat which permits the smuggling of liquor and other alcoholic preparations which satisfy the drinking propensity of the seafaring population;
- (iv) the leakages from army canteens, stores and other sources; and
- (v) the smuggling from neighbouring States of tinctures, eau-de-cologne and other alcoholic preparations.

(paras 5 & 6)

There is thus further work to be done by the Governments of Madras and Gujarat before an unqualified or adequate success can be claimed for the prohibition programme.

(para 7)

CHAPTER XXV.—ATTITUDE OF WET STATES TOWARDS LIQUOR REVENUE

The policy of maximum revenue with minimum consumption was announced by the Government of India in 1905, but has not been acted upon. Wet states concentrate only on maximum revenue and not on minimum consumption. Liquor is a relatively price inelastic commodity and its consumption does not fall much when taxes and prices rise. All-India liquor revenue had already reached Rs. 66 crores per annum in pre-prohibition days, before it declined to Rs. 38 crores as a result of prohibition in Madras and Bombay. It now stands at Rs. 56 crores.

(paras 1 & 2)

For the sake of revenue, the wet States have been encouraging and fostering liquor consumption. But in the zeal for revenue no account is taken of the debit side, that is of the enormous costs to the State and to the citizen—costs of jails, of law courts, of damage done to persons and property, of hospitalization, of disease, of absenteeism in terms of man-hours, of production losses, of personal distress, broken homes, neglected children and shorter life-span. These social costs are phenomenally high and liquor revenue earners as well as the liquor dealers share the responsibility for these costs.

In the price of liquor the tax element is seen to be excessively large and ranges between 44 per cent and 78 per cent of the retail price of various drinks. Liquor revenue is unjust for it is collected when people are vulnerable and bears no relation to the ability of the tax-payer to pay. It is collected on an item which impairs efficiency and will to work. Liquor revenue is an inequitable tax and regressive in nature. Unlike the sales tax, it falls more heavily on the relatively less well-to-do.

(paras 3 & 4)

The fears of wet States about losing a great deal of revenue through prohibition may not be well-founded as part of the loss may be made good by diversion of expenditure to other items such as cloth and entertainment which are subject to sales and entertainment taxes.

(paras 5 & 6)

It is a vice breeding revenue and goes to the Government after the tax-payer has been made to spend money on objects which undermine their health and lead them to resort to anti-social activities. The intoxicated beverages may be revenue earning but they also breed vice and promote ill-health. A revenue structure on such foundations can ultimately be suicidal. No State is a gainer by the liquor revenue as the cost of accidents, crimes, destitution etc., over-balance the revenue realised. The tax-payer has to part with money several times the amount of tax realised. As the liquor industry is enriching the public treasury, the attitude of a number of responsible people has become that of social irresponsibility. The large revenues are tempting the States to turn a blind eye to unconscionable exactions.

(paras 7 to 9)

It is an unjust tax as it does not take into account the ability of the tax-payer to pay. He must, however, impair his efficiency as well as his will to work. Sales tax is a more equitable substitute as it imposes lesser

burden on the poorer sections of the community and is equitably borne by the entire community according to the individual capacity of the taxpayer.

(paras 10 to 13)

It is true that the initial years, after introduction of prohibition may be difficult financially. Moreover, anti-social elements lured by the disappearance of competition from licit liquor will be tempted to produce illicit liquor and the strain on the enforcement agency will be severe. However, if the earlier waves of this onslaught of liquor crime are resisted with determination and a strong hand, and a phased programme of smoothed passage from a wet to a dry set-up is evolved and duly supported by a rational tax and price policy and some organisational changes, enforcement will ultimately have an upper hand and wet interests will eventually be fighting a losing battle. Along with effective enforcement, therefore, it would be necessary to have an economic containment of illicit distillation and intensive propaganda and educational programmes.

(paras 14 to 18)

The three dry States, which have denied themselves the liquor revenue, have not suffered in development and their material progress has not been put back. If the Centre makes up the loss to the extent of 50 per cent during the initial period, the fear of the wet States becomes more fanciful than real.

(para 19)

CHAPTER XXVI—LIQUOR STRENGTH REDUCED TO INCREASE CONSUMPTION

It has been decided by a State Government that alcoholic content in liquor should be reduced from 80° to 60°, with a view to boosting up the sale and hence tax receipts. The decision is diametrically opposed to the objective of prohibition. Even the Excise and Taxation Commissioner of that State asserts that the liquor consumption of that State would increase by 50% to 100% in comparison with the previous years. There is also a conflict of interest between the requirements of the State and those of the Armed Forces. The State wants that the distilleries should increase their output of country liquor because that would bring higher revenues to the State, whereas the demand of the Armed Forces is that more rum be supplied to them. The fact is clearly borne out that the State wants increase in revenue by increased production of country liquor with an expectation of increased consumption, though it is against the Directive Principles of Constitution. Reduction in proof strengths should not be used as a means for boosting consumption but should be considered along with quantity control. A ceiling on the output is essential lest the State and the drinker make up in quantity what is lost in strength.

(paras 1 to 4)

(PART II)

SECTION FIVE : ECONOMIC AND FINANCIAL ANALYSIS

CHAPTER XXVII.—THE NATURE AND PATTERN OF DRINKING IN INDIA

The Team made an analysis of the budgets of 21,197 working class families collected by the Indian Bureau of the Ministry of Labour and Employment in 50 different centres spread over all the States of the country. This analysis reveals that, in wet areas, between 10 and 25 per cent of all working class families are given to, or at any rate, report drinking. For the country as a whole about 15 per cent of working class families report drinking and the same could be said to be the percentage of adult males drinking. The percentage of families or adult males drinking was smallest among factory workers (9·6 per cent on the average), higher among plantation workers (14 per cent), and highest among mine workers (23 per cent). Expenditure on drinking among drinking families average at Rs. 13 per month and this constitutes about 9 per cent of an average income of about Rs. 150. The range of State-wise variations in liquor expenses in this group of workers is Rs. 7 to Rs. 20 per month and relating this range to the range of total expenditures, about 5 to 22 per cent of the total expenses of drinking families seems to have been devoted to drinking. However, the team has come across numerous specific cases of liquor expenses going upto 25 per cent of total expenditure. Expenditures on liquor are generally many times those on recreation and amusement largely because recreational facilities are small and paid recreation even smaller.

(paras 1 to 3)

The National Sample Survey Reports reveal an above average expenditure on liquor in North-West India, East India and Central India and an expenditure below average in West India, South India and North India.

(paras 4 to 17)

The income-elasticity of demand for liquor turns out approximately to be 0·6 both from the family budget data of Labour Bureau and from the relation between excise revenues and net national product. This is close to the figure of income-elasticity for spirits in the U.K. The price-elasticity of demand for spirits, though not known for India, is known in the U.K. to be about—0·6. These results mean that when incomes rise by 1 per cent, the demand for hard liquors rises by only 0·6 per cent, and when price rises by 1 per cent demand falls off by 0·6 per cent *i.e.* somewhat more than half of 1 per cent.

(paras 18 & 19)

While drinkers have been seen from the Labour Bureau data to constitute on the average about 15 per cent of the adult population, another limited study of 1,405 drinkers in Delhi reveals about 18 per cent of the drinkers to be addicts. 67 per cent or two-thirds of the drinkers either drink only on special occasions or less frequently than once a month. Thus, regular drinkers (both addicts and non-addicts) and those who are irregular but drink more frequently than once a month, constitute about one-third

of the drinking population. If the drinking adult male population is taken on the basis of the Labour Bureau data to be just a little more than 15 per cent of all adult males, those who drink more frequently than once a month will work out to be $(1/3 \times 15/100)$ about 5 per cent of all adult males, while addicts will work out to be about $2\frac{1}{2}$ per cent of all adult males.

(paras 20 to 22)

The data of liquor sales in Delhi suggests that about 42 per cent of total licit drinking is of light liquors, such as beers, containing about 5 per cent of alcohol by volume. The armed forces pattern of drinking shows that though rum accounts for 34 per cent of all bottles sold, as many as 58 per cent of total number of bottles sold are of beer. The discovery that light drinking constitutes a very important proportion of all drinking, is an important one for policy considerations.

(paras 23 to 25)

CHAPTER XXVIII.—THE MAGNITUDE OF ILLICIT DISTILLATION AND THE DRINKING BILL

We have two imponderables to investigate here: (i) the magnitude of illicit distillation in dry and wet areas; and (ii) the quantum of intoxicating liquors consumed in dry areas relative to wet ones. Opponents of prohibition exaggerate while protagonists minimise the extent of illicit distillation. The wide prevalence of illicit drinking and distillation in Greater Bombay has caught the attention and imagination of many. But the evil does not exist in other dry areas to anything like the extent to which it prevails in Greater Bombay. When people talk of the failure of prohibition, they do not mean so much to say that the total or per head quantity drunk has increased since prohibition—it certainly has not increased. What they do wish to emphasise is that with some reduction in quantity, there has come about an upsurge of illicit distillation, smuggling, blackmarketing, profiteering, bootlegging, lawlessness and all the other accompanying evils which damage and weaken the social fabric.

(paras 1 & 2)

The argument that the evil of illicit distillation need not be attributed to dry states, as wet states also have this evil, is not valid inasmuch as there is no comparison between the quantum of illicit distillation undertaken in dry and wet areas. Crime figures relating to liquor show a three-fold to four-fold intensity of liquor crime in dry areas compared to wet ones. This is seen, for example, in the comparison of liquor crime data of the dry and the wet regions of Madhya Pradesh and Andhra Pradesh. Knowledgeable observers put down the intensity of illicit distillation in wet areas as 20 per cent of total consumption or 25 per cent of licit consumption. Assuming that this was the situation in dry areas before prohibition, and also assuming that consumption of liquor in dry areas had declined from 100 to 66 units—and this seems to be the most acceptable position—at least a three-fold increase in illicit distillation is apparent, as nearly all the 66 units now consumed are produced illicitly compared to 20 units before prohibition.

(paras 8 to 11)

Yet another indicator is the price of drink. While illicit liquor generally sells between Re. 1.00 and Rs. 2.50 per bottle in wet areas, the range of price in dry areas is between Rs. 4 and Rs. 10 and sometimes even more. As the cost of production of illicit liquor is everywhere around Re. 1 per bottle, a profit margin ranging between 300 per cent and nearly 1,000 per cent is obvious in dry areas. Profit margins in wet areas are seldom above

150 per cent of cost. This wide disparity in prices and profits between dry and wet areas also suggests a much more extensive prevalence of illicit distillation in dry areas compared to wet ones.

(para 12)

The question of assessing the magnitude of illicit distillation is inextricably bound up with the other issue of the magnitude of the drinking bill in dry areas. There appears to be some dispute as to whether or not, consequent upon prohibition, total drinking and per head drinking has declined. While exact quantitative estimates are impossible, on the basis of aforementioned observations and numerous eye-estimates of knowledgeable people, we are inclined to accept as the most probable magnitude, a reduction by one-third in drinking in dry areas coupled with a three-fold to four-fold increase in illicit distillation. It is very likely that in wet areas total consumption of liquor over a decade has increased from 100 to about 120 units on grounds of population growth and by another 10 units on other secular grounds. Compared to this consumption of 130 units, the consumption in dry areas over a decade or more of prohibition may well have got reduced from 100 to about 66 units, and then increased to about 80 units owing to population growth and to about 87 units on account of other secular factors. The present ratio of consumption between dry and wet areas may well be 87:130. Even on this reasoning, while aggregate and per head consumption has got reduced, illicit distillation can be seen to have increased about four times, as nearly all the 87 units are now being produced illicitly.

(paras 13 to 21)

The total drinking bill of the country can be roughly estimated. The tax element in the price of licit liquors ranges between 44 per cent and 78 per cent. Taking all kinds of licit liquors together, if we regard taxes as constituting about 60 per cent of sale price, we could estimate the total drinking bill for licit liquor to be $100/60$, or 67 per cent higher than total tax receipts from liquor. As these tax receipts amount to Rs. 56 crores, the licit drinking bill works out to be $(56 \times 100/60)$ about Rs. 94 crores in the year 1963-64.

(para 22)

The illicit liquor bill in wet areas is estimated by us to be about Rs. 9 crores, and in dry areas about Rs. 43 crores. Thus, the total bill for licit and illicit liquors works out to be about Rs. 146 crores. This can be seen in the table below:

(paras 23 to 27)

TABLE 5
Licit and Illicit Drinking Bill

	Population (million)*	Area in thousand sq. miles	Value of Consumptions (Rs. crores)		
			Licit liquor	Illicit liquor	Total
Dry Areas	166.0	438.6	N.A.†	43	43
Wet Areas	266.6	768.0	94	9	103
Total	432.6	1206.6	94	52	146

* Union Territories have not been taken into account.

† Liquor on permits omitted.

In order to pay Rs. 56 crores of taxes, people spend nearly Rs. 150 crores on drink and this does not include many an imponderable, such as losses in terms of sickness, family up-sets, broken homes, neglected children, hours of work lost, output foregone, traffic accidents, etc.

(paras 28 to 31)

CHAPTER XXIX.—FINANCIAL LOSSES AND GAINS.

When prohibition is introduced, a decline in liquor excise revenue to negligible figures is a foregone conclusion, and need not be lamented. The case for prohibition despite apparent loss of revenue depends on part of the revenue being recovered through other taxes as expenditures shift from liquor to other items, and on the gains to the community in terms of health, nutrition, efficiency and so on. It appears that the dry regions of Maharashtra-Gujarat and Madras-Andhra had undergone a loss of about Rs. 8.5 crores and Rs. 15.8 crores respectively as soon as prohibition was enforced. Had these states not gone dry, their excise revenue today might well have been Rs. 10.2 crores and Rs. 19.6 crores respectively. Thus, their current revenue loss owing to prohibition can be said to be Rs. 29.8 crores. The excise revenue loss of the other partially dry states is estimated to be Rs. 10.3 crores making a total revenue loss for all dry regions of Rs. 40.1 crores. Losses through expenditures on enforcement of prohibition can very approximately be stated to be about Rs. 5.4 crores so that the total losses on grounds of revenue and expenditure taken together work out to be about Rs. 45.5 or, say, 46 crores for the year 1963-64.

(paras 1 to 16)

There is a hypothesis that in states which go dry the receipts from sales, luxury and other excise taxes should rise faster than in wet states because of the diversion of expenditures from liquor to other more useful items of consumption. It appears from our empirical study of data presented in the Report that the rates of increase of sales tax, luxury tax and central excise revenues do not work out to be high in dry areas than in wet ones. The reasons for this seem to be that (a) the diversion of expenditure away from liquor is not as high as one might expect; (b) many of the items of consumption on which liquor expenditure is diverted are tax-exempt, e.g., food; (c) the rates of alternative taxes on entertainments, clothing and other consumable goods are very small compared to liquor tax rates; (d) states which forego liquor revenues raise tax rates on other goods and services, but tax revenues from these items may rise less fast or taper off because of high rates; and finally (e) increases in tax receipts are much more a function of general economic development than of diversion from liquor to other items.

(paras 17 to 27)

If prohibition were enforced with immediate effect in all wet states the losses on grounds of liquor revenue might be Rs. 56 crores and on grounds of enforcement expenditures Rs. 9 crores making a total of Rs. 65 crores. This loss which may increase to Rs. 80 crores by 1975-76 can easily be made good through a phased programme of prohibition enforcement extended over 12 years by which time receipts from sales taxes, luxury taxes and Central excise duties may be expected to grow by Rs. 382 crores over the existing base of about Rs. 458 crores.

(paras 28 to 32)

The current loss of Rs. 46 crores from dry areas owing to the policy of prohibition has been made good to the tune of approximately Rs. 31 crores owing to a decline in the drinking bill of these dry areas. But the decline

in the drinking bills has not been sufficient to wipe off completely the loss of revenue to the exchequer and a net loss of Rs. 15 crores per annum would appear to have been incurred by the community as a whole including the Government. The broad moral is that if the phenomenal losses through excise revenue and enforcement expenditures are to be justified, liquor consumption will have to come down to a level less than half of the original pre-prohibition consumption per head. The need for a more thoughtful and integrated policy to reduce the popular preference for liquor and to conduct an onslaught on the profits of illicit distillation and allied activity is apparent.

(paras 29 to 35)



SECTION VI : IMPLEMENTATION OF PROHIBITION OF POLICY

CHAPTER XXX.—THE NATURE OF REMEDIES.

The integrated solution rests on two fundamentals. The first is that the major gains achieved through prohibition are not to be thrown away but consolidated and crystalised. Secondly, the problems arising both in dry and wet areas are not to be evaded but faced boldly and realistically.

The failure to reduce demand considerably for drinks at the same time as illicit supplies are curbed increase the black market profit phenomenally.

We feel that no system of law can effectively combat an illicit trade so long as conditions exist under which the profit margin ranges from 200 to 1,000 per cent. Law enforcement will be more potent where the profit margins are reduced considerably. The onslaught of the illicit distillation and smugglers can be more successfully resisted through an integrated set of legal, administrative, educational, publicity and economic measures aimed at containment and eliminating illicit distillers and other law breakers and slashing their profit margins. Laws, therefore, have to be suitably amended, their enforcement to be improved and the administrative machinery has to be geared up.

(paras 1 to 3)

The following seven suggestions have been made:—

- (i) The legal solution.
- (ii) The containment of medicinal and toilet preparations.
- (iii) The control of molasses and other raw materials.
- (iv) Mass education and systematic publicity.
- (v) Effective enforcement through improved administration.
- (vi) The economic containment of illicit distillation.
- (vii) The use of modern scientific appliances for detection of inebriety.

CHAPTER XXXI.—PROBLEMS OF LAW ENFORCEMENT

Successful enforcement of social legislation depends on several factors. The most important of them is the human factor. In the case of social legislation, there are two conflicting points of view. In the field of religion, morality and economics, enforcement of law has not been easy. The laws, when they do not represent the consensus of support, cease to be effective and may be contravened. Moreover, a human trait is to desire things forbidden. One of the difficulties in effective enforcement of laws is the human agency which enforces them, for example judges, juries, police officials, witnesses, etc. The legislature cannot secure obedience to laws when the forces of disobedience are strongly against them. The attitude of the people is mostly responsible for successful enforcement of social legislation. In the case of certain laws, the difficulties have become insurmountable as to make them nugatory and obsolete.

(paras 1 to 3)

The law which is not being usually and uniformly enforced has the pernicious effect of bringing all laws into disrepute. Fitful and sporadic efforts to execute such laws make their operation unjust. A law which is not supported by a great majority cannot be enforced and the legislature should hesitate to adopt it. But if people are engaged in business or conduct which may be described as *malum in se* and is aimed at the destruction of society, the legislature must denounce the activity and enforce it whatever the difficulty may be. Sometimes the protagonists of a particular social legislation argue that the State cannot make laws which are in the nature of a "a covenant with hell or a league with the Devil". These arguments appeal to impractical idealists than to practical statesman.

The legislator while facing the difficulties of enforcement has to make a difficult choice. It is often said that no legal standard can be effective which is in advance of the general and customary habits and practices of the community or is against its deep seated prejudices and convictions. In the present society there is variety of views as to what is just and fair in particular circumstances. Usages are also fluid and changing. Ordinarily the majority lags behind the soundest and the best considered practice. A law could not provide improvement if it always were to follow the dictate of numbers. A successful enforcement of law also depends on the comparative strength of forces, supporting or opposing a particular law at the time. These are forces not of mere numbers, but of economic power, social position and shifting forces of ideas and opinions. The influence of these forces makes possible in course of time, the effective enforcement of law, which was at one time at variance with the practice of majority. Subsequently they may become an instrument of social improvement and progress. Even laws which evoke no controversy and which command universal acceptance, do not permit of 100% obedience. If there were such perfect conformity in society the law would be entirely superfluous. The law has to be administered by fallible human beings and the question of their effectiveness is one of degree. The comparative success or failure of a particular law depends on the extent to which the law supporting and law defeating forces can offset each other and disturb the equilibrium. Education, propaganda, changes in the men's interests may lead in time to fairly complete enforcement of a statute which at the outset met with much successful resistance. Even a partially enforced law is productive of better results than what would have been the case in absence of the law. Sometimes the view that legislation is doomed because it is difficult to enforce, is not correct. Experience indicates that such a legislation is not always futile. All that can be said is that legislation is useless if no honest and sincere attempt is made to enforce it.

(paras 7 to 11)

There is an essential distinction between the outlook of a legislator and of a judge. In certain matters the persons who have to enforce prohibition laws feel resentful and frustrated at the attitude of courts, which make it difficult to enforce such laws. The evidence of Panchas is disbelieved on the ground that they are the stock witnesses of the police. The percentage of acquittals becomes alarming on account of non-availability of credible evidence and the prosecution is demoralized. Enacted law is usually obeyed either out of respect or by force of habit.

Enforcement of law involves few difficulties where little is demanded of it. When men devolve upon law the whole burden of social control,

social reform and social work, they strain the law by making it do the work of the home, of the church, and of the school. Under such exacting requirements, legal system exhibits signs of strain.

Legal precepts do not enforce themselves as human beings must execute them; and they are not without social or psychological limitations. In order to secure ready enforcement, the principle underlying the law has to be rooted in the habits and customs of men. Law can make its contribution felt, but it can do so only through human agency depending upon efficiency, honesty and earnestness. Opposition to law is no ground for abandoning effort.

(paras 12 to 16)

CHAPTER XXXII.—LAW AND LIQUOR

I. Introduction

Under the terms of reference, we are required to examine the existing legislation on Prohibition and to remove defects in them for securing enforcement effectively and also to suggest practical measures for reducing illicit traffic in liquor. Law has direct and indirect impact on liquor. We are, therefore, dealing with different aspects with a view to suggest new legislation and also amendments in existing laws.

(paras 1 to 3)

In the Constitution of India, item Nos. 41 & 81 of List I and items Nos. 8 & 51 of List II relate to the powers of the Centre and the States to enact laws with regard to intoxicating liquors. The relevant laws are being considered under the following heads :—

Amendments in Criminal Procedure and Liquor Laws.

Changes in other laws.

Changes proposed in law of Evidence.

New Civil Damages Law recommended.

Special laws for habitual drunkards, retreats and reformatories.

Hints for investigating officers.

To some extent the treatment may be over-lapping but it is unavoidable. Lacunae in both dry and wet laws have been indicated and also suggestions to improve them.

(paras 4 to 7)

II. Amendments in Criminal Procedure and Liquor Laws

The witnesses of the locality are not ready to assist the enforcement staff, and thus liquor offences remain undetected. There are several causes for the apathy. Law should be amended so as to make a provision, for the preparation of lists of persons who should be enjoined to assist the police or other enforcement agency, at the time of raids, searches and seizures. In case the witnesses for search and seizure are not available, the statements of the police personnel not below the rank of Assistant Sub-Inspector should be considered sufficient for the purposes of conviction, if it is not otherwise incredible.

(paras 8 & 9)

The offences against prohibition or under the liquor laws should be made triable summarily except in cases of graver charges. Such offences

should be non-bailable with the exception of minor or technical offences. Mobile courts may also be provided to try offences under the excise laws. Deterrent sentences and in the case of repetition, minimum jail sentences should be provided. In the case of persons under greater responsibility more severe punishment should be prescribed. The function of trying cases under the liquor laws may be entrusted to judicial panchayats and to Honorary Magistrates. In every State, lists of persons convicted under various penal acts should be maintained. Certified copy of relevant entry from such register should be *prima facie* evidence of previous convictions. (paras 10 to 16)

Where consumption of an intoxicant is an offence and it is found that accused person had consumed liquor, the concentration of which in his blood was not less than 0.5 per cent weight in volume, the burden of proof that the consumption of liquor was under such circumstances which do not make it an offence should be on the accused. The accused should not escape the wrath of law by showing that it was a medicinal preparation, unless he further shows that it was taken under prescription of a competent doctor for a known malady. Law should provide that if a person is prosecuted for consumption of an intoxicant, it shall be presumed until the contrary is proved by the accused that he consumed alcohol within the jurisdiction of the court where he was found. (paras 17 & 18)

The power should be conferred upon officers of enforcement to destroy the stills and other paraphernalia without obtaining the permission of the magistrate. (para 19)

Collective fine and externment of the accused may be provided in the law. Where illicit distillation is rampant, provision may be made in law for imposition of special taxes. The persons who habitually commit or attempt to commit offences under liquor laws should be bound down under Excise Acts for a period not exceeding 3 years. (paras 20 to 23)

The law may also provide for forfeiture of the real property. (para 24)

If a person is convicted under liquor offences, he should be disqualified from contesting elections or from membership of any electoral office. He should not be retained in government service. (paras 25 & 26)

Chemical analysts should be provided in every district to avoid delay in disposal of cases and statements of witnesses may be recorded without waiting for his report. (paras 27 & 28)

In the case of liquor being found in possession of more than one person or in village common land which is not in actual possession of anybody, the person who had reason to believe that the incriminating article was lying there should be liable to punishment unless he proves his innocence. Law be modelled on Section 35 of the Arms Act. (para 29)

Law must punish severely the supplier as much as the receiver of liquor from contraband sources. (para 30)

The clubs are being misused as drinking places even by non-members. Laws with regard to clubs should be modified on the pattern of S91 to 97 of the Licensing (Consolidation) Act, 1910 of United Kingdom.

(para 31)

III. New Provisions in Liquor Laws

The laws relating to intoxicating liquors in United Kingdom and the United States of America are far more stringent and comprehensive than the laws in our country and we feel that some of them should find place in our statutes. The new provisions relate to:

- (i) the duties of the keepers of liquor shops;
- (ii) burdening the accused with costs of prosecution;
- (iii) punishment for witnesses refusing to give evidence;
- (iv) drunken riotous person;
- (v) drunken person in charge of any vehicle;
- (vi) drunken person in charge of minor under 7;
- (vii) protection given to the husband and wife against inebrate partner;
- (viii) attempting to procure liquor for drunken person;
- (ix) person sending minor under 14 in a liquor shop etc.;
- (x) supplying liquor to constable on duty;
- (xi) restrictions on pawn brokers;
- (xii) spending some part of fines for development purposes;
- (xiii) limitations on use of intoxicants in field of medicines etc.;
- (xiv) ban on advertisements;
- (xv) definition of intoxicating liquor;
- (xvi) plea of ignorance of contents of liquor;
- (xvii) vicarious responsibility in case of manufacture of intoxicants, sales etc. by the wife, children etc.;
- (xviii) the place of manufacture of liquor being a common nuisance;
- (xiv) the vehicles, rooms etc. where offences relating to liquor laws are committed being subject to lien for fines etc.

(para 32)

IV. Changes in other laws

In special laws one change which we suggest is that the expression 'drunkenness' or 'intoxication' should be substituted by "under the influence of drink or drugs". The legal tests should be the following:—

- (i) If a person has got less than upto 0.05 per cent alcohol in the blood or other body fluids, he shall be presumed to be not under the influence of drinks;
- (ii) Where he has got 0.05 per cent alcohol or more, there shall be irrebuttable presumption of being under the influence of alcohol.

(paras 34 & 35)

The modern exigencies call for the optimum functioning of the mental and physical faculties. It is, therefore, imperative that standard of sobriety should be more exacting. The test should, therefore, be that if there is

0.05 per cent or more of alcohol in the blood or equivalent amount in other body fluids, the person should be presumed to be under the influence of alcohol. As there is distinction between 'drunkenness' and 'being under the influence of drink' the penal provisions should be amended so as to lay more exacting penalties for each type of condition. We have suggested amendments in the following Acts:

- (1) S.510 of Indian Penal Code, 1860 (Act XLV of 1860)
- (2) S.12 of The Stage Carriages Act, 1861 (Act XVI of 1861)
- (3) S.34 of The Police Act, 1861 (Act V of 1861)
- (4) S.167 of The Sea Customs Act, 1878 (Act VIII of 1878)
- (5) S.28 of the Indian Telegraph Act, 1885 (Act XIII of 1885)
- (6) S.100 and 120 of The Indian Railways Act, 1890 (Act IX of 1890)
- (7) S.49 of the Indian Post Office Act, 1898 (Act VI of 1898)
- (8) S.63 of The Inland Steam Vessels Act, 1917 (Act I of 1917)
- (9) S.17 and 117 of The Motor Vehicles Act, 1939 (Act IV of 1939)
- (10) S.48 of The Air Force Act, 1950 (Act XLV of 1950)
- (11) S.48 of The Army Act, 1950 (Act XLVI of 1950)
- (12) S.52 of The Navy Act, 1957 (Act XXII of 1957)
- (13) S.234, 377 of The Merchant Shipping Act, 1958 (Act XLIV of 1958)

(paras 36 to 45)

If a person drives or attempts to drive a motor vehicle on a road or other public place, when he is unfit to do so on account of drink or drug, it should carry besides conviction under section 117 of The Motor Vehicles Act, an obligation to disqualify him from driving for a period of at least 12 months, unless the court for special reasons thinks to reduce the period of disqualification to 6 months. The fact of conviction should also be mentioned on the licence and on the relevant register, where licences are entered.

(para 46)

Similarly law may provide that a person riding a bicycle, while he is under the influence of drink or drug should be liable to conviction. Penalties should be imposed on persons who are driving other vehicles. Even a pedestrian should be punished if he is under the influence of liquor.

(paras 47 & 48)

V. Changes Proposed in Law of Evidence

Many a guilty person escape because of technical rules of evidence. We have, therefore, suggested amendments in law of evidence relating to taking of judicial notice of certain facts and to drawing presumptions etc. in some cases.

(paras 49 to 51)

In the case of driving "under the influence of drink, or drug" section 117 of the Motor Vehicles Act provides punishment. No further guidance is forthcoming as to when a person will be deemed to be under alcoholic

influence. We, therefore, propose that presence of 0.05% or more of alcohol in the blood should raise an irrebuttable presumption of being "under the influence of drink".

We propose certain amendments to the following effect:

Inferences of guilt from suppression or destruction of evidence;

General reputation of purchaser relevant;

Admissibility of opinion evidence of non-experts;

Admissibility of evidence based on sight, taste and smell of intoxicant;

Admissibility of evidence of witness as to the percentage of alcohol; ingredients of alcohol; nature of drink;

Admissibility of results of analysis of blood from unconscious person; drunkometer; tests of breath, blood, urine etc. of a person with or without consent.

(paras 52 to 64)

The identity of specimen tested and taken at the spot should be established beyond shadow of doubt. A demonstration may be allowed during the trial under special circumstances. At one time the testimony based on drunkometer test was not admissible, but it is admissible now. Such tests also do not violate any privilege as to self-incrimination.

(paras 65 to 70)

In America there is a presumption that every person who operates motor vehicle, shall be deemed to have given consent to submit to chemical test. Our law should be modified accordingly.

(para 71)

In proving sale of liquor, the passing of money need not be proved.

(para 72)

A label on bottle may be presumed as indicative of its alcoholic content.

(para 73)

The following matters may be admissible:

In the case of sale to minor, the appearance of vendee;

In the case of trafficking in liquors, the reputation of consignor;

In the case of finding out lessor's knowledge about his premises being used for sale of intoxicants, the reputation of the place.

(paras 74 to 76)

VI. New Civil Damages Law Recommended.

The person furnishing intoxicant under the present law is not liable for any damages, but he should be made so, if the person, who consumed it, causes injury to the person or property of any other person. Even the dependents of the person should be entitled to recover damages from the supplier for the injuries caused to their means of support; whether the supplies of drink were legal or illegal. Such a wrong is a continuing one and recovery of damages can be made for all future loss.

(paras 77 to 81)

The supplier of intoxicant should be enjoined upon to take care of a person, intoxicated in consequence of his supply. Interested persons should also be given right to serve notices on the supplier requesting him not to furnish intoxicants to certain persons and if they do so they should be made liable in damages. The parents or guardians of the minor should also be entitled to recover damages, if the intoxicant is supplied to the minor. A minimum amount of damages which may be decreed without proof should be specified. The statute should also state the persons who are entitled to recover damages.

(paras 82 to 87)

The principal should be liable to pay damages for the supply made by his agent, but to safeguard the interests of seller, it should be incumbent on the plaintiff to prove that the intoxication was caused on account of such supply. In order to ensure the execution of the decrees, the law should provide that the licensees of intoxicants should get a policy of insurance.

(paras 88 to 92)

VII. Special Laws for Habitual Drunkards, Retreats and Reformatories

In our country no provision has been made for the treatment of the 'habitual drunkard' though such provisions exist in the United Kingdom and the United States of America.

(para 93)

Two types of retreats can be provided, for drunkards, firstly where admission can be ordered by the courts; and secondly, where admission can be sought by the inebriate at his own desire. The proceedings are in the nature of guardianship proceedings and may be instituted at the instance of the person who may be specified in the statute. The property of the inebriate may be ordered to be managed by guardian or a committee. He may be kept under supervision as long as he is not considered fit to look after himself and to control his affairs. His income from the property may be utilised for his maintenance and also for the maintenance of the members of his family and other dependents.

The drunkard who is under the guardianship of the court may sue or be sued through his guardian appointed.

(paras 95 to 100)

A habitual drunkard may voluntarily seek admission by making an application for treatment in a retreat, which may be owned by an individual or by the State. The drunkard after admission may not be allowed to leave the retreat until discharged or till the expiration of the period mentioned in the application. He may, however, be allowed to leave the retreat for some time to live with some trustworthy person, provided he satisfied the manager of the retreat, that he has improved his habits. He may also get his stay extended in the retreat.

(paras 101 to 103)

The experiment with respect to retreats has not proved a great success in Great Britain but there is no reason as to why it should not be tried in our country in order to save the feeble minded drunkards and their families from scheming sharpers.

(para 104)

Inebriate reformatories may also be started in which habitual drunkards convicted of offences may be sent for reformation. The reformatories may be categorised as under:

(i) An inebriate reformatory to which are sent such habitual drunkards with respect to whom there is expectation of reformation;

(ii) An inebriate reformatory to which worst type of offenders may be sent. These may be like prisons.

Regulations may be made by the Government with regard to the inebriate reformatories. In United Kingdom, the Inebriates Act provides that a drunkard convicted four times of offences mentioned therein may be sent to certified inebriate reformatory.

(paras 105 to 107)

Recidivism is pronounced in the case of habitual drunkards, who persistently offend against liquor laws and no sentence is sufficient to restrain them from contravening the law. In England the record of repeated convictions is hard to beat, but in our country also we have seen repeated convictions to the extent of twenty times. Such persons may be reformed if adequate provisions are made.

(paras 108 & 109)

VIII. Hints for investigating officers

Some of the provisions already exist in our laws, but which are not resorted to by our investigating staff. We make the following suggestions for their guidance:—

- (a) The statement of the witnesses should be recorded under Section 164 of Criminal Procedure Code;
- (b) Photographers should be associated at the time of raids;
- (c) The prosecution should provide full proof that the incriminating article which was seized was sent for chemical examination. All the connecting links from the time of seizure till the time of reaching the office of the analyst should be supplied, and
- (d) Sufficient proof of conscious possession of the incriminating article should be given.

(para 110)

CHAPTER XXXIII.—PUBLIC OPINION AND HUMAN NATURE: SOME MISCONCEPTIONS

The entire superstructure of democracy is based on public opinion. It was disclosed at Bombay that public opinion there was against prohibition and therefore, the prohibitory laws were defied to a large extent. A large number of press cuttings were also shown which included leading articles against prohibition. It may, however, be a want of foresight if one were to draw conclusions merely from what is said in the daily press. As that is the view of the few who are endeavouring to convert the many to their point of view. The large bulk of the silent members of the society have also an opinion but they have not the means to ventilate it in the public. Their views cannot be ruled out and excluded from any assessment of public opinion which claims to be realistic.

(paras 1 & 2)

Public opinion in fact often originates with a single thinker and subsequently gathers momentum. The ineffective enforcement of prohibition laws has caused a cross current of opinion for their abolition or modifications. The opposition is the result of the failure of prohibition laws, and not of want of sympathy with the principles of prohibition. The difficulty in enforcing social legislation arises owing to strong sentiment supporting it as also condemning it. Sometimes, however, benefits have been achieved from laws in spite of defiant popular sentiments.

(paras 3 & 4)

The public criticism of liquor laws also arises because the interest of certain persons is adversely affected. Experience shows that what goes under the name of public opinion is nothing but a designed and studied propaganda, motivated by personal interests in order to influence opinion. Certain newspapers have been espousing the cause of drinking in the expectation that their views may set into motion counter currents. The gullible among the readers are taken in, more by catchwords and phrases than by a cool deliberation of the merits and demerits of the proposition.

(paras 5 & 6)

During the course of evidence some persons gave an impression by their obstinacy that they were not holding opinions so much as opinions were holding them. This is some sort of slavery of 'isms'. Public opinion in any particular state or in the country as a whole is not opposed to prohibition, though the people are critical of the enforcement. There is a considerable apathy on the part of the people who are teetotallers. The ruling legislative opinion at one time does not stay stationary but is effected by counter currents and cross currents of opinions. The rise in opposition is the result of the failure of such laws rather than want of sympathy with the underlying principles of prohibition. Social legislation becomes a complex calculus of good and evil. A rule of law is based on a recognised probability of good arising, in the opinion of the law giver, from a certain line of conduct. The apotheosis of a sentiment has tended to produce startling results. Sometimes unenlightened opinion has a grip over the public. It then devolves upon the enlightened members of the public to steer and guide it into proper channels.

(paras 7 to 11)

Sometimes it is argued that it is futile to expect any changes in traditions which are deep-rooted and consumption of alcohol is said to be a part of human nature. Drinking of an intoxicating beverage may be human habit, but it cannot be said to be part of human nature. Even if it were, it is modifiable by external influence. There appears to be no reason for feeling dejected on the ground that man cannot be weaned from drinking because the habit has been formed.

CHAPTER XXXIV.—THE ROLE OF THE PRESS

The attitude of the Press in general and that of the English language press in particular in relation to enforcement of prohibition is disparaging if not altogether antagonistic. As the circulation of the English language press is sizeable, an impression is created that prohibition has failed. From a perusal of the press cuttings it will be seen that there is a good deal of loose thinking. The criticism by the press is more carping than constructive. It is difficult to probe the reasons which have motivated this attitude. They may be altruistic or worldly. It is the right as well as the duty of

the press to espouse a cause or to denigrate it. No doubt the subject matter of prohibition is controversial and sincere and honest persons are arraigned on both sides. When entirely wrong factual statements have appeared in the influential press and a contradiction is sent, or correction sought, on one pretext or another, it is not published by the press. Thus tendentious approach cannot but be deprecated.

(paras 1 & 2)

The printing press is a powerful propaganda machine and is occasionally used by pressure groups and interested persons to deceive and mislead the ignorant and the impressionable. In the interest of law and order, purity of administration and true temperance newspapers demand abrogation of prohibition. Propaganda by the press goes on and the multitude begins to believe that there is truth in what they read and hear. There is yet another and more potent method of stifling the truth and this is adopted by the newspapers often by not taking notice of the facts. This amounts to censorship of silence.

(paras 3 & 4)

In the United States an influential group of men had organised itself to bring about the repeal of the 18th Amendment. They controlled the policy of a large number of powerful daily newspapers and magazines either by financing them or through advertisements. They got statements, speeches and articles from those whom they could influence with their money. Material ridiculing prohibition was published and widely distributed. The wet propagandists went into action as the champions of the State and of personal liberty and as crusaders of law, order and political purity. They declared that prohibition had caused lawlessness, corruption and crime. The 'Wets' through their control of the instrument of publicity were able to lay down such a barrage that the truth could not break through it and the people were permitted to hear only about wet propaganda. For over 40 years prior to the enactment of 18th Amendment the Press was deluged with editorials and articles observing that alcohol was the chief cause of poverty, crime, disease and insanity. It is hoped that the similarity of the attitudes of the American and our press is fortuitous and what motivated the American journalism to throw its weight on the side of the wets is not the reason of opposition to prohibition in India.

(paras 5 & 6)

What is said about the English language press is not entirely correct of the Indian languages press. The press can render invaluable service if only it can be induced to educate the readers on matters which admit of no controversy. It is expected of the reputable columnists and writers of editorials to maintain a high standard of fairness and impartiality. The press should not forget that the standard of journalistic fairness ought not to be one whit less exacting than the judicial norm. Factual education is all that is needed in order to make people aware of alcohol-caused devastation.

The press can bring home to the faltering the risk and dangers of addiction to alcohol. It can publicise fatal consequences of the lethal beverage. It can do so through factual data and the views of health and medical experts. It can dispel considerable ignorance regarding the damage done by alcohol. The dissemination of right knowledge can be of immense benefit. A newspaper campaign against drinking drivers can reduce accidents. A

keen and vigilant press alive to its great role can help towards the attainment of the Directive Principle as enshrined in the Constitution. It should even censure tax enforcement and bring to light all sorts of weaknesses, including corruption. If the press can be persuaded to pull its weight on the side of sobriety, it could make a big dent on inebriety.

(paras 7 to 10)

CHAPTER XXXV.—PROHIBITION THROUGH MASS EDUCATION AND PUBLICITY

The corner-stone of social reform rests on the problem of education. Prohibition is enjoined by religion, endorsed by medical science, confirmed by logic and its benefits are demonstrated by experience.

(para 1)

Though Nasha Bandi Mandals and other voluntary organisations have done commendable work, but intensive work needs being done at all social levels and the evils of drinking have to be brought home to the people everywhere in the country by making available information based on factual data.

(para 2)

The work done in India is insignificant as compared to the efforts made by the Anti-Saloon League from 1893 onwards in America. It had published more than 2,000,000 books, 115,000,000 leaflets and 157,000,000 copies of weekly and monthly magazines.

(para 3)

Poland, which is a much smaller country, arranged in 1961, 14,000 lectures, produced 200 exhibitions, organised 250 cultural events and distributed 2,000,000 copies of leaflets and provided material for ten movies. The University students went round the country to acquaint people of the dangers of drinking and created a strong-public opinion.

(paras 4 & 5)

France has gradually realised that alcoholism is a nation-wide problem. Propaganda work is being organised in France. French people feel that wine-making privilege should be taken away. During the last five years, as a result of educational campaign, there is a decline in the consumption of alcoholic beverages.

(para 6)

An attitude of unconcern and apathy encourages an evil. The easy-going approach of blase listlessness on the part of the public contributes to spread of drink. There is even a defeatist attitude on the part of the abstainers.

(para 7)

Law in order to be effective must be backed by a warm living public opinion and should embody the sentiment of the people. Jails and fines may restrain but do not necessarily cure. Law stands better chance of obedience when its enforcement is reasonably certain. The educational approach looks to the future whereas penal coercion attends to the past. Legal correctives do not solve all the problems of society's ills. Enlightened education will lead to better law enforcement. Social education is of paramount importance.

(paras 9 to 11)

Liquor lobbyists are active and they have captured the press, a substantial section of which is antagonistic to prohibition. The assault of newspapers is persistent. Big money is wedded to the wet cause and the venal enforcement and supine administration are sabotaging from within.

(para 12)

Mere passing of laws will not do unless they are vigorously enforced by people imbued with living faith in prohibition. The approach should be scientific and not sanctimonious. Scientific truths and unassailable medical facts should be deployed. False propaganda and half-truths indulged in by the apologists of Bacchus need persistent exposure. The depredations of alcohol on health and morals are ascertainable objective truths which need being told.

(paras 13 to 15)

Alcohol caused ravages need being told, such as, pauperism, domestic infelicity, neglected children, juvenile delinquency, unhappy homes, divorces, disease and alcohol's death dealing role on the road.

(para 16)

The religious therapy should be tried as the founders of all religions, the saints and savants have reprobated the use of alcoholic drinks. The Christian view, the teachings of Islam and the sayings of famous men are included.

(paras 17 to 21)

The Bharat Sadhu Samaj can make a laudable contribution and ought to take up the cause.

(para 22)

The teachers should study the impacts of alcohol on the individual and the society and the basic philosophy should be brought home through education. There are 14 basic principles which need being imparted by the educationists, the leaders of public opinion, the politicians, social workers and the religious heads.

(para 23)

There are scores of alcohol-caused problems on which people need being educated. The thirst for drink can best be controlled through healthy sentiment, logical thinking, a discriminating judgment, education, home-training, religious influence, and above all, moral and social suasion.

(para 25)

Despite the fact that prohibition is enshrined in the Constitution, no serious or substantial steps of sufficient intensiveness have been taken. It has not been given a fair trial.

(para 26)

Teachers have a great role provided they are men of integrity and can teach by example. Their approach should be warm, vibrant and enthusiastic.

(para 28)

The evil effects of the hang-over should be depicted so that the others may avoid the consequences.

(para 29)

Certain false arguments which are being swallowed by the gullible need refutation. The arguments favouring moderation, extolling alcohol as a revenue earner, that it is an age-old habit and that prohibition produces crime are misleading half-truths and fallacious. Prohibition does not encourage crime, but it flourishes because of the temptation of making easy money and the laxity of enforcement. The real factors responsible for the crime are apathy of the people, venality of the enforcement, dormant social consciousness and the influence of the liquor interests on the press and in politics. There are a number of other false and specious arguments advanced to impress the credulous. Every media of information should be utilised to expose fallacies.

(Paras 30 to 32)

Women's organisations can do very useful work as they did in America and were responsible for preparing that country for prohibition. It was the women's crusade which began in 1873 and which was taken up later on by their leader, Miss Willard in 1884 which contributed to the creation of social atmosphere against drinking. Mothers can more successfully indoctrinate their children.

(Paras 33 & 34)

Similarly, text-book crusade was resorted to in America with great success by Mrs. Hunt. She changed the teaching pattern through text-books containing proper lessons for children on the subject. The half-hearted and ineffectual measures can spell disaster. A luke-warm attitude, a dilly-dallying policy, and an inactive and irresolute approach, will not only bring prohibition into ridicule but will make virtue a fugitive before vice.

(Paras 35 & 36)

CHAPTER XXXVI: THE ROLE OF VOLUNTARY ORGANISATIONS

The recommendations in Chapter XXXV of the Third Five Year Plan regarding educational work on Prohibition through Voluntary Organisations should be implemented. Such Participating organisations may be provided financial assistance and other facilities like training of workers, intensive research studies on the various aspects of prohibition, literature and audio-visual aids, publicity and propaganda, etc. The scheme of Nashabandi Lok Karya Kshetra sponsored by the Planning Commission and run so far on a pilot basis should be extended so as to provide for at least one Kshetra in each district and important industrial projects and urban areas. Five Kshetras in each State may be opened directly by the Centre to give an initial push to the programme.

(paras 1—3)

There should be a central organisation of the voluntary organisations to advise, direct and coordinate the educational work on prohibition in the country. For each State and Union Territory, there should be State Prohibition Councils, followed by similar organisations at the District and Block levels. These organisations should include official representatives also and assist the Government by studying specific problems and suggesting practical solutions. The elective system for office should be eliminated. The setting up of the All-India Prohibition Council with State branches is

a step in the right direction. These councils should function through the agency of the Lok Karya Committees at the Centre and the State levels as this will ensure collaboration and active participation of the leading All-India Voluntary Organisations. The Councils should have units, at all levels, of women workers, teenagers, university teachers and students etc. etc.

(Paras 4—7)

The Central Training and Research Institute on Public Cooperation under the Planning Commission should be developed as a National Institution for educational work on Prohibition. It will assist the Central and State Prohibition Councils by providing facilities for research studies, surveys, publication of literature in the form of pamphlets, charts, statistics, posters etc. The Institute should also arrange specialised training for the teachers instructors and senior workers of the Voluntary Organisations.

(Paras 8-9)

The non-official organisations should win the confidence of the people particularly the addicts and their dependents by developing direct contacts. The Village Panchayats should make special efforts to eradicate the evils of drink and illicit distillation from villages. The message of prohibition may be conveyed through religious functions like kathas, mobile folk dances and bhajan mandalies. These efforts should be supported and supplemented by Government through their own official field agencies, by providing recreational facilities in their welfare centres and organising local seminars. The Government should also avoid opening of liquor or toddy shops at festivals, exhibitions etc. We have summarised the training scheme formulated by the Planning Commission which we fully support.

(Paras 10—12)

There should be a central organisation which should be able to advise, direct and coordinate the work of prohibition in the entire country. For each State and Union Territory, there should be State Prohibition Councils, followed by similar organisations at the District and Block levels. In those organisations both official and non-official members should study the problem and find their practical solution. Adequate funds may be earmarked for this work. The elective system for office should be eliminated.

(Paras 13-14)

There should be a separate wing of women prohibition workers at all levels which may include the teenagers and university teachers and students.

(Para 15)

The Central and State Councils should chalk out a programme and provide literature in the form of tracts, pamphlets, charts, statistics, posters, etc. It must be based on intimate and methodical study of the psychological, economic and social conditions of the people for whom it is intended. The recommendations in the Third Five Year Plan in Chapter XXXV may also be adopted.

In order to train the social workers, it is necessary that specialised training should be imparted to them. The members of the non-official organisations should develop direct contact with the people including those who are addicts and also with their dependents and try to win over their confidence. The village Panchayats should be made to realise and shoulder

the responsibility of eradicating the drink evils from the villages. Intensive publicity work in this way is not sufficient but perpetual vigilance is indispensable against this social evil. The Government officers concerned should make an effort to see that the organisers get all the requisite help and co-operation from the Government agencies in their work. In order to make prohibition a success a scheme may be formulated under which prizes awarded to the villagers for help in prohibition. Government should stop opening of liquor or toddy shops at festivals, exhibitions, etc., may be displayed at seminars. Advantage may be taken of religious functions viz. Kathas. Mobile folk dances and singing parties may be organised which should go round the villages and reclaim people from drinking habits and welfare centres for recreation may be created in the villages.

(Paras 17 to 25)

The wine shops though filthy and unattractive draw the drinkers as poor men's clubs. If poorer sections are given restaurant-cum-club facilities to refresh themselves with non-alcoholic beverages they would automatically be drawn away from drink shops. The Government may also arrange for special films on prohibition and exhibit them during prohibition week and at prohibition 'shivirs' and 'sammelans'. Films and radio are very powerful instruments for propaganda and publicity. Poetic symposia may be organised where the poets should be encouraged to recite poems relating the evils of alcoholism. There are various journals which are devoted to the cause of prohibition. They will go a long way in instructing, entertaining and educating the readers.

Prohibition is not a battle but a war, against an age-old evil which has blighted the nations for generations and scourged the world since the beginning of the agricultural era. It has caused more deaths than war pestilence and famine combined.

(paras 26 to 30)

Research studies and surveys on prohibition should be carried on by workers of voluntary organisations, after a suitable training which should be problem/action oriented. The research studies and surveys are necessary for effective handling of the problems of enforcement. Some of the problems that may be probed through the studies and surveys are illicit distillation and sale, smuggling, misuse of medicinal and toilet preparations, treatment of addicts, rehabilitation of tappers and others displaced as a result of prohibition policy, alternative uses of raw materials now consumed by liquor trade, etc. Surveys may also be undertaken as the pattern of drinking habits, incidence of crimes, alcohol-caused domestic infelicity. These are illustrative and not exhaustive.

(Paras 31-32)

Besides the Central Training and Research Institute on Public Co-operation, research studies and surveys may also be undertaken at the State level.

(Para 33)

The State Governments throughout the country have to undertake educational work on prohibition extensively. Large funds will be needed for this purpose. The Team is not in a position to indicate the exact amounts required. But broadly speaking, we will recommend that for the country as a whole, an expenditure of Rs. 1 crore per annum will not be

on the high side. Since the proposals for the Fourth Plan are being formulated, the Team will recommend that this matter should be taken up for consideration in the Central Committee on Prohibition. The Central Government may consider sympathetically making a financial provision as suggested above.

(Para 34)

CHAPTER XXXVII: ADMINISTRATIVE SET-UP IN THE STATES

We have assumed that we are required to examine the administration of the prohibition policy in the broad sense from the policy level down to actual execution in the field in the dry States and in the partially dry States and to make suggestions for improvement.

(para 1)

The administration of the prohibition programme throughout the country is a stupendous problem beset with many difficulties—difficulties arising from the area and population involved, difficulties of terrain, difficulties presented by the juxtaposition of wet and dry areas, an extended coast line and large blocks of adivasis following their traditional way of life. Added to these is the quality and strength of the enforcement staff employed. These difficulties, in our opinion, emphasise the importance of the administrative machinery in the proper implementation of the programme.

(para 2)

It was stated before us that Prohibition had failed and should be scrapped. This is a misconception of the position arising from the fact that implementation of the programme in some States had not come up to expectations. The examination of the administrative set-up of the dry and partially dry States is thus necessary.

(para 3)

The programme consists of two parts, namely, the positive and preventive aspect and the coercive aspect. The former is concerned with the creation of a favourable social climate through education, propaganda and publicity, creation of non-official organisations and association of prominent non-officials with the programme. The coercive aspect consists in enforcement of the prohibition laws, detection, investigation and prosecution of offences against the law. There should be proper coordination between these two phases of the programme.

(para 4)

The administrative pattern is similar in Maharashtra and Gujarat. The Minister for Prohibition is in charge of the positive aspect with a Director of Prohibition and Excise to help him. The enforcement of law is entrusted to the police, which is directly responsible to the Home Minister. There is a State Prohibition Board with the Minister for Prohibition as chairman and prohibition sub-committees functioning at the district and taluka level are associated with propaganda and publicity work in their respective areas.

(para 5)

Paras 6—23 describe the administrative set up in the dry States of Maharashtra, Gujarat and Madras, while paras 24—39 detail the set up in the partially dry States of Andhra Pradesh, Mysore, Orissa and Madhya Pradesh.

(paras 6 to 39)

The Prohibition Enquiry Committee 1954-55 also considered the administrative aspect and was of the view that police should be made responsible for legal enforcement of Prohibition and that within the police Department there should be a special enforcement branch for prohibition work consisting of trained personnel. A suggestion was made for imparting training to the police force in details of prohibition work. The Committee recommended mobile police squads with adequate transport and other facilities for attacking sources of illicit suppliers of liquor.

(paras 40 to 42)

We were told that the enforcement staff is facing the following difficulties:

- (i) the staff is inadequate for the area to be covered;
- (ii) lack of mobility as the terrain in which the illicit distiller operates is difficult and inaccessible;
- (iii) public support for the enforcement agency is lacking;
- (iv) the bootlegger is able to win over the witnesses and to persist in his unlawful activities because of the delay in the disposal of cases in courts and the light punishments awarded;
- (v) extensive smuggling by road into big cities is taking place but in view of the large number of vehicles involved per day physical check of each and every vehicle becomes impossible.

These difficulties should be removed by the State Governments by increasing the strength of the enforcement staff, its mobility and by educating public opinion against the illicit distiller.

The success or failure of the programme depends on the agency for the enforcement of the prohibition law and we have considered the three suggestions made to us in this connection, namely,

- (1) enforcement of the Prohibition law should be entrusted to the police and this should form part of their normal duties;
- (ii) there should be a separate force independent of the police entrusted with the enforcement work;
- (iii) there should be a separate cell in the Police force exclusively charged with the enforcement of Prohibition law.

(paras 43 to 45)

In our opinion a separate enforcement force for Prohibition offences would not be feasible, administratively and financially. Such a force would not be able to cover the entire State as completely as the police force and in addition will have to rely on police assistance wherever raids have to be conducted. It may also be difficult to build up a close liaison between such a force and the police which it is very necessary in the circumstances existing today. The reports we had on the working of the preventive force

in one of the partially dry states are far from encouraging. There was more public criticism than support for that force.

(para 46)

Regarding a separate cell in the Police force for dealing with prohibition offences we do not see any merit in it either since enforcement would still be the responsibility of the police. Such a cell either at the headquarters or with the Deputy Inspector General would not prove effective unless it forms part of the forces available with the district police.

(para 47)

Our view is that enforcement of prohibition should be the responsibility of the police as it is at present in the three dry States of Gujarat, Maharashtra and Madras. The police organisation is well spread out, covers wide areas and commands more prestige in the villages and the law-breakers are afraid of them. The police is also better trained in the use of fire arms and tackling mobs.

(para 48)

We were impressed by the preventive force raised by Rajasthan for the detection and investigation of excise offences. This force consists of ex-military personnel. The force has a record of high efficiency and the officers and men discharge their duties at considerable personal danger. With their military training they were able to negotiate difficult terrain more successfully and with ease. The State Governments should consider the feasibility of a task force on the model of the Rajasthan Preventive Force and place it either at the disposal of the Deputy Inspector General of Police or at headquarters with I. G. Police.

(para 49)

There are serious shortcomings in the organisation and deployment of the police force. These are:

- (i) Owing to the inadequacy of staff at the station house level and the increasing volume of court work in connection with prohibition offences, field work is tending to be neglected;
- (ii) in the anxiety to prove that there is no diminution in the vigilance, greater attention is paid to comparatively easier cases of drinking and possession than to the more difficult cases of illicit distillation and transport;
- (iii) there is shortage of transport and equipment at all levels to deal with prohibition offences;

We would suggest that the staff at the station house level and the circle level be increased by 10%. We would also suggest that there should be a periodic re-assessment of the strength of the police stations and other units to ensure that the force available for deployment for effective enforcement is adequate to the responsibility devolving on the police. Secondly, a qualitative assessment of the work of the Circle Inspector onwards should be made by the I. G. of Police. Transport and equipment should be provided to the Station house officer, who has the primary responsibility for prevention of offences. We recommend a mobile force for each of those districts where illicit distillation and traffic in liquor are found to exist on a considerable scale. These mobile parties should be provided to the Circle Inspector, the Deputy Superintendent of Police, the

Superintendent of Police and the D.I.G., C.I.D. The units under each officer will work independently and should have their own complement of transport and other equipment. The merit of this arrangement is that if a unit operating with a superior authority finds slackness in the prohibition work of the police officers at a lower level, the latter would be asked to explain the shortcomings and would also be accountable for his negligence. The mobile parties would thus check corruption since each rung in this hierarchy is under constant supervision. The distiller also would not be tempted to offer illegal gratification since that will not give him immunity from raids by the mobile parties.

(paras 50 to 52)

There should be liaison between the police of different States with a common border. Police of one State should be enabled to pursue a smuggler into the territory of another State should it be necessary.

(para 53)

54. Corruption in the enforcement staff can be guarded against to some extent by surprise visits by higher officials, creation of mobile squads and prompt attention to reports from the public against corrupt officials. There is need for constant vigilance over the activities of the subordinates.

(para 54)

Periodic refresher courses may be organised for the enforcement staff with regard to prohibition work. The course should cover methods of detecting offences relating to illicit distillation, smuggling, etc., practical difficulties encountered, new techniques for detecting cases, exchange of information on special types of cases detected and decision of the high courts.

(para 55)

The enforcement staff should be hand picked and should have belief in the prohibition programme. They should be made to realise that they are on an upper level and are expected to live up to that reputation. A system of special reward for meritorious work and severe punishment for lapses should be instituted.

(para 56)

There should be periodical meetings of officers of the enforcement staff so that there may be an opportunity for mutual discussions and exchange of information regarding difficulties etc., in enforcement. Alternatively, the Prohibition Intelligence Bureau at the headquarters should bring out a journal for circulation amongst officers giving the techniques adopted by the illicit distiller and the bootlegger, the practical difficulties encountered in detecting cases, decisions of high courts together with hints for investigation of prohibition offences.

(para 57)

At the State level there should be coordination between the two phases of the prohibition programme, namely, the positive and preventive aspects and the coercive aspect. In Maharashtra and Gujarat we observed that there was not sufficient coordination at the ministerial level since there is duality of control at the top. Our suggestion is that the Home Minister or other Minister in charge of the enforcement agency should also hold the portfolio of prohibition and in this he should be assisted by a Minister of State or a Deputy Minister.

(para 58)

State Prohibition Boards consisting of non-officials and officials with the Home Minister or the Minister for Prohibition as president should be constituted in every State to advise the Government on the education and publicity aspects and organise public opinion and support for the programme. Such non-official bodies should also be constituted at the district and taluka level so that the public may be shaken off their present attitude of apathy and indifference to one of active cooperation with programme.

(para 59)

We may have to supplement our suggestions of the administrative set up after studying the systems of the enforcement agency in States and Union Territories yet to be visited.

CHAPTER XXXVIII:

THE ECONOMICS OF INTOXICATING LIQUOR IN WET AREAS

There are several systems of supply of country liquor. The most outmoded is the outstill system where a contractor produces and sells liquor without duty and, therefore, at a low price. The system is not amenable to control, but is used as a safeguard against illicit distillation. It has to be replaced by more efficient systems. The bidding system where licences for distilling, wholesale or retail are given to the highest bidders, is the most widely prevalent. Reduction of proof-strength to the required degree is done either at the warehouse or at the retail shop. Bottling in warehouses is preferable to bottling in retail shops, despite some saving on transport costs in the latter system, because of smaller chances of adulteration and other abuses. The bidding system, however, raises the price of liquor sometimes quite phenomenally and by putting liquor outside the range of many consumers, promotes a switch-over to cheap and harmful illicit drinking. Adulteration and other abuses of licit liquor are promoted and licit sellers sometimes get into league with illicit distillers. In Punjab and Himachal Pradesh, we noticed these phenomena quite widely owing to high duties and high rentals or fees on liquor as a result of the bidding system.

(para 1—8)

In wet areas, the evil of adulteration of liquor is quite common and ingenious methods of opening the seals and caps and recapping, resealing and labelling of bottles have been devised. Machines have been manufactured for these purposes. Adulteration is undertaken by mixing illicit liquor with the licit variety, or adding plain water and increasing the bulk, or by adding colour and selling a plain variety as spiced variety; or by taking advantage of 'obscuration', that is the permissible margin or range of variation of proof-strength, consequent upon redistilling and adding of spices etc. Toddy is widely adulterated by mixing of water and chloral hydrate.

(para 9—15)

In some States as, in the Telangana area of Andhra Pradesh, the minimum guarantee system has been enforced. Here while licences go to the highest bidder, the licensee is given a minimum quota of liquor on the basis of past sales and he guarantees to lift the full quota. For supplies

above the quota he pays an additional proportionate fee (called rental) and duty. Reduction of proof strength and bottling is undertaken at the distillery or at the bonded warehouse. Previous to the adoption of this system, when there was no minimum guaranteed quota, the contractors having bid for a certain amount of money, used to adulterate their liquor or purchase cheap illicit liquor and sell it as licit, in order to recover the amount bidden for. This minimum guarantee system has resulted in curbing collaboration between contractors and illicit distillers and has forced the latter to purchase and sell licit drink rather than adulterated or illicit drink. Sellers are free to charge whatever price they like. But the bidding system continues in hard country liquor and in toddy.

(paras 16 to 20)

The West Bengal system has some notable features. Licences to distillers, whole-salers and retailers are continued during good behaviour, so that there is incentive to put up a decent showing and to avoid malpractices. The licence fee is nominal so that the cost and, hence, the selling price is kept low. The licence fee, however, is levied on the basis of the sales of the previous month and is mildly progressive in nature, so that as sales increase the State comes in to tax a larger share of the profits. This system resulting in a low price of liquor keeps illicit distillation well contained and limited to about 20 per cent of total sales of country liquor. So precarious is the position of the illicit distiller that a rise in the prices of gur, rice and other raw material squeezes him badly and almost sends him out of existence.

(paras 21 to 24)

In the light of our analysis of the major systems of supply of liquor, the following issues have to be settled in order to frame a logical liquor policy consistent with the objectives. These issues centre round the relative merits of:—

- (i) the bidding system versus the West Bengal system;
- (ii) a minimum guarantee quota versus an unspecified amount of liquor;
- (iii) high excise duties versus low excise duties;
- (iv) fixed selling price versus freedom for the seller to charge any price;
- (v) a flat rate of duty for additional sales as against a progressive rate;
- (vi) bottling at the warehouse versus bottling at the retail shop;

These issues are examined in the following Chapter.

(para 25)

CHAPTER XXXIX.—POLICY FOR WET AREAS

In March 1956, the Lok Sabha had passed a resolution to the effect that prohibition should be regarded as an integral part of the Second Five Year Plan and that the Planning Commission should formulate a programme to bring about nation-wide prohibition speedily and effectively. The Second and the Third Five Year Plans took account of this resolution

as well as of the Directive Principles in the Constitution and suggested to the State Governments the drawing up of their own phased programmes. Advertisements and other inducements to drinking were to be discontinued, drinking in public places (hotels, hostels, restaurants, clubs, etc.) was to be stopped and many other measures were to be introduced such as progressive reduction in the number of liquor shops, increasing number of dry days each week, reduction of supplies and of proof-strengths of liquor and encouragement to inexpensive and soft drinks.

We fully endorse the above suggestions and recommend for early implementation.

(para 1)

It would have been excellent if a uniform policy of prohibition could be followed all over the country with immediate effect. But, under the circumstances, realistically speaking, immediate and complete prohibition in wet areas is not feasible. This will lead to a tremendous upsurge of illicit activity and weaken the social fabric through lawlessness, corruption and allied evils. An intensive period of preparation, education and publicity must precede total prohibition. Prohibition at once and all over the country for the mere love of uniformity is a dangerous pursuit. We, therefore, recommend for wet areas a phased programme of movement towards total prohibition. Along with this programme, we suggest supporting measures such as tax and price changes and changes in the system of supply so that the profits of illicit activity and the accompanying evils of lawlessness, corruption etc. may be kept at the minimum.

(para 2)

The suggested programme for wet areas consists of four phases. In the first phase, States which have country liquors of different proof-strengths (e.g. of 30 degrees u.p. and 60 degrees u.p.) may give up the higher strengths and produce only the relatively mild among all the hard varieties (e.g. of 60° u.p. strength i.e. 23 per cent. of alcohol in bulk). West Bengal has recently reduced the proof-strength from 50° u.p. to 77·5° u.p. quite successfully. Not only within a State but also within groups of States, say, Northern, Eastern and Southern, a uniformity of proof-strength and a switch-over to the relatively light among the hard varieties may be brought about by common consent. While Punjab, Uttar Pradesh and Delhi, with a common border have proof-strengths of 20° u.p., 35° u.p. and 50° u.p., there is no good reason why all should not have the lower strengths of 50° u.p. It is possible, in judicious steps, to change the public preference from hard to light beverages, through an incentive-oriented tax and price policy and through education, publicity and persuasion.

(paras 4 to 8)

The second phase consists of reducing the strengths of country liquor from the prevailing levels to a level not exceeding 82·5° u.p., which is equivalent to wine strength of less than 10 per cent alcohol in bulk. Simultaneously with this the strength of the Indian manufactured foreign liquors has also got to be reduced to say 75° u.p., but both types of liquors—of the country and the foreign variety—with reduced strengths should be available to persons only above the age of 25 years.

Since addicts and habitual drinkers exist in any society, especially when the previous phase has been one of total freedom to drink, and as these are likely to suffer in the absence of hard liquors, it is necessary in the second phase to provide for a permit system for hard liquors both of the indigenous variety and of the Indian manufactured foreign variety. It has, therefore, to be provided that in this and subsequent phases, addicts and habitual drinkers of an age above 40 years may be put on permit system if recommended by a Board and supplied with country liquor of say 60° u.p. or IMFL of say 25° u.p.

In the third phase, the strength of liquors can generally be reduced to 5% or less of alcohol in bulk. In this phase, as in the previous one, on the recommendations of a Board, addicts and habitual drinkers of age 40 years and more will have to be put on permits for the consumption of relatively hard liquors.

(paras 9 & 10)

It is presumed that the first three phases will be over in about 12 years from now, i.e., by 1975-76, when the Fifth Five Year Plan will have been completed. By then the 1950-51 national income, it is hoped, will have been doubled and a minimum level of income for every family may be expected to have been achieved. Publicity and educational programmes will have acquired a tempo, so that at the end of the third phase, the wet States should be ready to come in line with dry ones and introduce complete prohibition. They will then follow the same pattern as we have suggested in our chapters XLI, XLII and XLIII dealing with recommendations for dry areas. The following is the substance of our suggested phased policy for wet States.

Suggested phasing for Wet States

Country Liquor	IMFL and Foreign Liquors
<i>Phase I</i>	
1. While a state continues wet, instead of having country liquor of many strengths, such as 30° u.p., 50° u.p. and 60° u.p., it brings about a uniformity and permits only one strength of 60° u.p. The strength so chosen should really be one of the lightest among the strong varieties. Other varieties of higher strengths should be eliminated.	1. Foreign liquors and Indian manufactured foreign liquors can be generally available during this phase.
2. Several states should be grouped in suitable zones in order to bring about a uniformity of proof strengths, permitting preferably 60° u.p. strength everywhere.	
3. If a particular state has already introduced liquor of strength lower than 60° u.p., this strength may not be increased by that state.	
<i>Phase II</i>	
1. In the second phase, the strength of country liquor should be reduced further so as not to exceed 82.5° u.p. This is equivalent to the strength of alcohol in wine which is generally 10 per cent or less in bulk.	1. In the second phase, the maximum permissible strength of Indian manufactured foreign liquors may be reduced to 75° u.p. and these can be made generally available.

Country Liquor

IMFL and Foreign Liquors

2. As this shift to relatively lighter alcoholic beverages occurs, addicts and habitual hard drinkers of an age above 40 years may be put on a permit system and may be allowed to obtain liquor of alcoholic strength not exceeding 60° u.p.
2. Addicts and habitual hard drinkers of age above 40 years may be put on a permit system and may be allowed to obtain IMFL of the usual variety of 25° u.p.
3. No liquor of any strength shall be sold to persons below the age of 25 years.
3. No liquor of any strength shall be sold to persons below the age of 25 years.

Phase III

1. In the third phase, only liquors with less than 5 per cent of alcohol in bulk may be permitted to persons of age above 30 years.
1. In the third phase, only liquors with less than 5 per cent of alcohol in bulk such as beers, ciders and softer wines may be permitted to persons of age above 30 years.
2. Addicts and habitual drinkers of an age above 40 years may be put on a permit system and may be allowed to obtain liquor of alcoholic strength not exceeding 60° u.p.
2. Addicts and habitual drinkers of age above 40 years may be put on a permit system and may be allowed to obtain IMFL of the usual strength.

Phase IV

1. On the termination of the third phase, the wet states will become completely dry and there will be a uniformity in laws relating to liquor.
1. On the termination of the third phase, the wet states will become completely dry and there will be a uniformity in laws relating to liquor.
2. Addicts and habitual drinkers of an age above 40 years may be put on a permit system and may be allowed to obtain liquor of alcoholic strength not exceeding 60° u.p.
2. Addicts and habitual drinkers of age above 40 years may be put on a permit system and may be allowed to obtain IMFL of the usual strength.

(Paras 11- 2)

Though a programme of four phases spread over 12 years has been suggested by us, it will be apposite if the wet states would condense it within a shorter period and preferably complete the phasing by 30th January, 1970, the date on which the birth Centenary Celebrations of Mahatma Gandhi are to conclude.

(para 13)

We have a set of supporting measures along with this phasing. Apart from a vigorous educational and publicity programme through various modes of communication—the press, the pamphlet, the pulpit, the radio, the film, the drama and the class room—we recommend a more reasonable tax and price policy. The policy of high taxes and high prices embodied in the slogan of “maximum revenue and minimum consumption” should be forthwith given up as it only results in increased revenue but not in reduced consumption. The policy has a most objectionable by product and its surest effect is the emergence of illicit distillation. Lowering the tax and the price of liquor will provide the best means of competing with illicit distillers and will shift consumers from contraband liquor to licit beverages. As for the fear that lower price will increase aggregate consumption

one must state that this cannot be true. Drink is a commodity of inelastic demand. It has been widely known and commented upon, among others, by the Prohibition Enquiry Committee (1955) that raising the tax on liquor does not decrease drinking. By the same token, lowering its price cannot increase its consumption very much, because of the small price elasticity. The effect of lower prices, therefore, will be not that aggregate consumption will increase but that drinkers will shift from the illicit to the licit market.

Of course, some illicit distillation will still continue owing to: (a) the inaccessibility of many interior places; (b) there always being some consumers with limited means to whom the difference between the prices of licit and illicit drink will matter, notwithstanding the difference in quantity. Excise policy should have the objective of discovering that level of tax and price at which most sales are taken out of the illicit market and a further change in tax and price will not cause much more of shift but bring about more net losses of revenue etc.

(paras 14 to 17)

If it be decided as a matter of policy to shift consumers to liquors of lower strength gradually, it is possible to discriminate in the taxes and the prices of different licit liquors in such a way that liquors of lower alcoholic strength get a preference in terms of lower prices compared to those of higher strength. Demand can then shift to the lighter varieties.

(para 18)

A system of making prospective contractors bid for licences is the surest guarantee of high prices, e.g. in Punjab and Himachal Pradesh. This should be replaced either by State production and sale or by a system of tenders. Once the tenders are accepted and licence given the licensees should continue during good behaviour, as is the practice in West Bengal. A periodic review—say, every five years—of the performance of existing licensees should be undertaken.

(para 19)

The minimum guarantee system, no doubt, breaks the alliance between illicit distillers and licit contractors but smacks of an attempt to sell a great deal of drink and, in any case, is not consistent with a programme of phasing in which liquor strengths are progressively diluted and quantity sold gets progressively reduced, as time goes by

(para 20)

The sale price for liquor can either be fixed or be allowed to vary with demand and supply conditions. But in any case, the process of reducing the proof-strength and bottling should be undertaken in the distillery or the warehouse and not in the retail shop. This guarantees purify better and prevents adulteration even though it might be cheaper in terms of saving on transport costs to have these processes undertaken at the retail stage.

Liquor trade must not be run for private profit. Absolute control over bonded ware-houses and breweries and distilleries is imperative; if need be they may be shifted to the public sector.

(paras 21 to 25)

CHAPTER XL.—FOREIGN VISITORS AND PROHIBITION

The policy of the Government of India is that tourist traffic from foreign countries to India should increase. In fact, every year there is a progressive increase in their number. Some foreign tourists have been experiencing a good deal of inconvenience on account of varying rules and regulations relating to consumption of alcoholic beverages. Law relating to prohibition differs from State to State. There are some States where there is absolute prohibition while there are others which are wet and there are still others which are partially dry and partially wet. A foreign tourist is bound to feel irritated if he has to fill several forms in order to have the requisite quota of liquor. In order to avoid this difficulty the Indian Overseas Missions have been authorised to issue liquor permits at the time of granting of visa. The tourists from Commonwealth countries are, however, not required to obtain visas and in order to meet their needs, the Directors of Regional Tourist Offices at Bombay, Delhi, Calcutta and Madras have been authorised to issue liquor permits on an all-India basis. The visitors are still experiencing inconveniences in some of the wet States, principally in Delhi. Drinking in Delhi is prohibited in public places. A foreign visitor feels greatly handicapped when he wants to offer drinks to his friends. It will not be open to objection if in wet States where drinking is prohibited in public places some rooms in certain select hotels are set apart in which the foreign residents of that hotel may meet their guests and offer drinks to them with or without meals. This system is prevalent even in areas where prohibition has been enforced. The facility of offering drinks with or without meals in a special room to be set apart, may also be made available to Indian residents in the hotel.

(paras 1 to 4)

A distinction has been made between a tourist who is a temporary visitor to a country and a foreigner who has been resident in India for a long time. The latter class cannot go to an Indian Mission. The tourist offices are also not supposed to give them permits. They should also be given the same facilities which are available to a brief sojourner. The production of passport should be sufficient evidence of his being a non-Indian. The rules regarding dry days in a year in States should also be relaxed in the case of a foreigner. Persons of Indian origin, domiciled abroad should also be given the same facilities as are allowed to any other foreigner. The criterion for providing drinks should be the possession of a foreign passport. The above suggestions will not in any way compromise the principle of prohibition for Indian citizens.

(paras 5 & 6)

CHAPTER XLI.—THE BASIS OF THE PERMIT SYSTEM FOR HARD LIQUORS

We have already indicated that our integrated solution to the problems arising out of prohibition is based on two principles: (i) that the major gains achieved by the prohibition policy ought not to be sacrificed but consolidated; and (ii) that the problems such as illicit distillation which cut at the roots of this policy ought not to be evaded but faced squarely with a realistic plan of concerted action.

The various partial solutions to the problem which we have advocated will become fully effective if the profits of illicit activity such as distillation and smuggling were slashed heavily. To be able to do this alcoholic drinks

of very mild variety may be allowed on permits and the permit system for hard liquor has to be rationalised.

(para 1)

The existing permit system for hard liquors is greatly abused. In the State of Maharashtra, there are at least seven kinds of permit—foreign visitor permits, tourist permits, temporary resident permits, emergency permits, interim permits and health permits. Liquor obtained on emergency and health permits leaks out among the rest of the population. Emergency permits are used as a camouflage for regular drinking and refilling the bottles. But the so-called health permits are the worst abused. There is a black-market price for obtaining these permits and men are available who will procure them at a price, possibly through corrupting the executive and/or the medical authorities.

(paras 2 to 6)

Smuggling of foreign liquor and IMFL takes place through ocean-going ships and other boats along the coast line. Contraband sales from army canteens, embassies, etc. and the abuse of the permit system are quite frequent. The profit margins for tax-free liquor on the assumption of sales being effected at the retail price have been shown to range between 60 and 100 per cent. and the margin works out to be much higher if sales are undertaken at the ruling black-market price. This profit margin which is the cause of many an abuse can partly be reduced through a rationalised permit system.

(paras 7 & 8)

Scientific medical opinion cares very little about the oral use of alcohol for medical purposes. The only case for permitting alcohol is on grounds of addiction or habituation. When medical scientists do not credit alcoholic beverages with curative properties or regard them as preservers or maintainer of a person's health, legislatures should not confer on these beverages the status of a health-giver, preserver or restorer.

(para 9)

Since addiction requires a long history of drinking, permits for hard liquor should be given only to persons above the age of 40. Persons below this age have to seek permits for milder varieties on other grounds.

(para 10)

Apart from considerations of age and addiction, there are some other constraints of a social and economic nature, which a permit system must take into account. We recommend that:

- (i) Permits should be given on grounds of addiction and habituation;
- (ii) Permits should be issued for hard liquors to persons of the age of 40 or above; once these permits are issued on grounds of addiction and habituation, no fresh permits to new persons should be issued;
- (iii) The level of income, the number of dependants and other family living circumstances ought to be considered while issuing a permit. The minimum income level which qualifies a person with an average family of five persons including himself should be Rs. 500/- per month. If the number of dependants is more than 5, the minimum income which qualifies

for a liquor permit should be lifted up by Rs. 100/- per month for every single addition to the number of dependants. Thus, a person with 7 dependants, including himself, must have an income of Rs. 700/- per month in order to qualify for a permit;

- (iv) Once the qualifying level of income relative to dependants has been achieved, the quantity of liquor permitted may be varied from 1 to 4 units and could go up to 6 units only in exceptional circumstances. A unit may be defined as one quart bottle of spirits or 4 quart bottles of wines or 12 quart bottles of fermented liquor;
- (v) The board which issues permits should consist of a nominee of the executive authority (say, the prohibition or excise department), a social worker of standing and a representative of the medical department. No registered medical practitioner should be allowed to issue a certificate, as in that case it is difficult to see how any practitioner would refuse a certificate; and if one did, another would be readily forthcoming.

(paras 13 & 14)

CHAPTER XLII.—THE ECONOMIC CONTAINMENT OF ILLICIT DISTILLATION : THE CASE FOR MILD LIQUORS

If the phenomenal profits of illicit distillation are to be snatched away mild alcoholic beverages will have to be allowed under controlled conditions. Beverages containing less than 5 per cent of alcohol in bulk, such as toddy, sendhi, lugdi, ciders, beers and some light wines may be considered for this purpose. Whether these drinks are allowed with or without a permit depends upon the nature of the drink and the location of the premises (rural or urban). But it has to be understood that the object of this liberalisation of mild alcohols is not to cater to the needs of addicts and habitual drinkers as in the case of hard liquors, but to contain and reduce the widespread prevalence of illicit distillation.

(paras 1 & 2)

There is some doubt that the permission to consume liquors of a light variety may not tempt hard drinkers to shift to light varieties and, thus, may not hit the business of illicit distillation and smuggling. But there is reason to believe that light alcoholic beverages will attract two kinds of drinkers: (i) those who would prefer soft alcohols any way and are at present forced to drink hard; and (ii) those who normally like hard drinks but would be prepared to switch over to that which is legal from that which is illegal. These will shift their preference to mild drinks, because these drinks are licit. As these two groups of people are probably large, major shifts might occur from hard to mild varieties and illicit distillation and contraband sales will be hit hard. Empirical observation has also shown that among Delhi drinkers, 42 per cent of liquor sales in the licit market are of mild alcoholic beverages. Similarly, the pattern of drinking in the armed forces suggests that some 58 per cent of the quart bottles sold are of beer. Mild drinks thus appear to have a large popularity. We thus recommend that with the major objective of curtailing illicit distillation and smuggling, mild alcoholic beverages of less than 5 per cent alcohol in volume may be allowed on permits under controlled conditions.

(paras 3 to 7)

As far as mild liquors of foreign variety, such as ciders, beers and soft wines are concerned, it becomes necessary to lower the age for the issue of permits from 40 to 30 owing to the age distribution of population and the age distribution of drinkers both in Maharashtra and in India generally. The age groups between 30 and 40 years contain nearly as many drinkers as the age groups between 40 and 60 years, so that if permits are issued to people above 40 only, a large bulk of demand for liquor is left out and is allowed to chase illicit drink. A study of Delhi drinkers also shows that 33 per cent of them belong to the age group 30 to 40 and another 33 per cent are between the ages of 40 and 60. If illicit activity is to be curtailed, it becomes necessary to include among the permitted categories the drinkers of the age 30 to 40 years. However, as the intention of policy is to keep out of the purview of drinking the young and impressionable population, such as students and young workers whose economic position is relatively weak, the age limit for permits for mild liquors may be placed at 30 years. This prevents largely the upsurge of illicit activity and also protects the very young, the very impressionable and the economically and socially vulnerable. We do hope that the authorities issuing permits are aware of the necessity of keeping the impressionable and economically vulnerable population of less than 30 years outside the purview of drinking.

(paras 8 to 10)

CHAPTER XLIII.—CASE FOR LIBERALISATION OF TODDY

Neera and toddy, the drinks from the palm tree, are misused in many ways: (i) by illicit tapping of palm trees; (ii) by not coating utensils with lime and thus hastening fermentation; (iii) by selling after the specified time-limit, say, 2 P.M; (iv) by putting fresh neera in utensils containing toddy of a previous day and (v) by adulteration with water and chloral hydrate. The control of the use of neera is difficult because toddy trees are found extensively almost everywhere; tribal and other populations know the technique of production; administrative machinery often gets into league with tappers; and a detection of illicit tapping etc. is very difficult. Moreover, a check on toddy promotes illicit distillation of 'arrack'.

(paras 1 & 2)

Toddy with a small alcoholic content between 3 1/2 and 8 per cent has to be drunk a great deal in order to get drunk. It is said to be a restorative with some food value as well. In order to meet the challenge of illicit distillation, a sale of toddy under controlled conditions can be considered seriously except by those States which are satisfied with their enforcement of total prohibition and where leakages are few and unimportant. Where abuses of illicit distillation etc., are extensive, a controlled consumption of toddy subject to the following conditions can be recommended:

- (1) a ceiling of 5 per cent alcohol in bulk should be fixed, if possible;
- (2) the production and the sale of toddy should be under government control;
- (3) wherever possible, bottling to guarantee hygiene, and refrigeration to stabilize alcoholic strength should be provided;

- (4) the drink may be consumed only at the place of sale and not be allowed to be taken home;
- (5) the production and sale of toddy within a radius of 10 miles from the palm gur centres should be stopped;
- (6) the quantity of toddy that can be served to an individual should be limited and the vendor or barman should be under a given statutory obligation not to violate this condition;
- (7) the price of toddy and the tax element therein should be kept as low as possible with a view to wean people from drinking the hard product of illicit distillation;
- (8) drinking should be allowed only within regulated hours;
- (9) steps should be taken to remove the possibility of stale drink being served or of injurious substances being mixed; and finally;
- (10) there should be an age limit of 21 years below which no consumer may be served the drink.

We would have raised the minimum toddy drinking age from 21 years to 30 years had it not been said by the administrations in the different States that that would be impracticable. We hope that it will be possible to ban toddy to persons below 30, atleast in some States.

These measures have to be supported by other changes. Several States can agree to restrict the production of chloral hydrate only to priority uses. The production of this drug can be concentrated in the public sector and distribution can be on the basis of priority allocation to institutions for medical and pharmaceutical purposes. The bidding system for licensing can be replaced by a system of tenders and licences can be renewed to the previous holders during their good behaviour. Even better than this is a system of production and distribution of toddy directly through the governmental agency.

(paras 3 & 4)

The suggestions given in this Chapter are not intended to be adopted by the States of Gujarat and Madras as we do not wish that benefits derived so far in these two States should be thrown away. The suggestions are intended for those dry areas where it is felt that the abuses are extensive.

(paras 5 & 6)

The case of scheduled tribes whose population is about 3 crores spread in 13 States and 7 Union Territories and other areas presents a special problem. They have been given to fermented liquors from times Immemorial and no impropriety or immorality is associated with the consumption of spirituous beverages. Drinking is a part of their life. Their living conditions are sub-normal, poverty is grinding and health is extremely poor and educational standards almost negligible. Drink has, no doubt, interfered with their earnings. They resent coercive methods

though having the sanction of the law. In their case, a go-slow policy is recommended and education and propaganda should precede criminal prosecutions. They may be allowed certain concessions, viz., that they may not be prohibited from brewing their own traditional beverages for their own consumption but not for sale.

The relaxation suggested above is not intended to apply to those dry areas where in consequence of educational work done, the scheduled tribes have stopped drinking. The States need not liberalise drinking where they are satisfied that no relaxation is necessary.

(paras 8 to 10)

CHAPTER XLIV.—A CRITIQUE OF THE RECENT LIQUOR POLICY, ANNOUNCED IN MAHARASHTRA

Two visits were paid to Bombay—first in June, 1963 when the late Shri M. S. Kannamwar was the Chief Minister and the second in the Month of February, 1964 after Shri V. P. Naik had announced his new policy.

The Government of Maharashtra issued a policy statement on 31st December, 1963 in regard to the rationalisation of the Prohibition. The following modifications were proposed:

- (1) Beverages with an alcoholic content not exceeding 3·5 per cent to be made freely available.
- (2) Toddy with alcoholic content not exceeding 3·5 per cent to be sold freely under Government control.
- (3) The issue of permits to persons above 40 to be liberalized and the quota of liquor issued to be increased.
- (4) Permits to be issued on medical examination for the age groups below 30 and on the basis of private medical practitioners' certificates for persons of age 30 and above.
- (5) Manufacture of potable liquor to be permitted indigenously and the number of licensed wholesalers and retailers in liquor to be increased.
- (6) The quota of liquor to foreigners to be increased and administrative measures to be devised to enable them to entertain or be entertained by Indians.

Subsequent to the announcement of this policy, the Government of Maharashtra notified the amended rules regarding foreign liquor.

(paras 1 to 3)

In July 1963, there was a statement made in a Government publication bearing out that prohibition had been a successful experiment and called for no change in prohibition policy. This was five months before the announcement of the present policy.

(para 4)

The late Shri M. S. Kannamwar, ex-Chief Minister, whom the Team met, was of the opinion that even if liquor of lower alcoholic content at cheap rates was made available, the problem of illicit distillation would still be

there. According to him, prohibition has been beneficial to rural population and to the labour class. He advocated a uniform policy throughout the country to avoid smuggling. Some of the other Ministers of this State, whom the Team met, thought that the Prohibition Policy needed rationalisation.

(para 5)

The present Chief Minister felt that the object of the new policy was to deprive the bootlegger of his custom. The Maharashtra Government officials expressed some doubt as to whether the beverages of 3.5 per cent alcoholic content would catch up. Nevertheless, they felt that as even a very large number of convictions had not deterred people from committing offences against Prohibition Law, the need for liberalisation was apparent.

Although the new Maharashtra policy is stated to emerge from considerations of the eradication of illicit distillation, it is not at all certain that the policy is based on the first and the fundamental principle of consolidating the gains from prohibition. As hard liquors are to be permitted even to age groups below thirty years and as mild alcohols are to be almost free for all, there is no guarantee that new addicts will not be created. In fact, there will be addicts and habitual drinkers if the permit system is perpetuated.

(paras 7 & 8)

The statement that it is proposed to divert additional revenue to the ends of propaganda and welfare schemes is quite out of focus in as much as the needs of education, publicity and welfare schemes far exceed the amount of revenue to be collected from liquor excise at low tax rates.

(para 9)

The logic on which the permit system is based in the new policy, seems to us to be quite unacceptable, as there is no case for issuing continuous permits on medical and health grounds. The only basis seems to be addiction and habituation, but since this requires a long history of drinking, there is no reason for allowing liquor permits for hard drinks to persons below the age of 40.

(paras 10 & 11)

Almost simultaneously with the announcement of the new policy, the number of permits given to the age groups below 40 has considerably increased, *i.e.* from 5 per cent to 15 per cent of the total.

(para 12)

We are not only opposed to permits being issued only on medical sanction, but also to the policy that certificates from any registered medical practitioner are to be regarded as valid. It is difficult to conceive of a practitioner refusing a certificate and even if one did, another would be easily forthcoming.

(para 13)

We are opposed to the policy of liberalisation of mild alcoholic drinks. This is fraught with evil consequences if there is to be no restriction on the young, impressionable and the economically and socially vulnerable age groups between 21 and 30 years. There is a certain amount of defeatism involved in this policy. It is true that liberalisation is sought to contain

illicit activity. But in the near absence of vigorous educational, publicity and persuasive measures, one cannot take at its face value the extent of the evil of illicit distillation. It does not seem wholly right to say that illicit distillation cannot be curbed through other means.

We doubt if the State by receding will be able to leap forward. We cannot share their optimism as to the remedial efficiency of the nostrums proposed. This therapy instead of effecting a cure, may have the opposite effect of accentuating the malady.

(para 17)

CHAPTER XLV.—CONCLUSIONS

The first term of reference of our Team has enjoined upon us to make an assessment of the magnitude of illicit distillation and other abuses in wet and dry areas. Despite the paucity of data, it has been possible for us to make some approximate estimates on the basis of one or two broad assumptions which seem to us, in the light of our findings, to be by and large correct. The annual drinking bill of the country appears to be about Rs. 146 crores, of which the value of illicitly distilled liquor may be Rs. 43 crores in dry areas and Rs. 9 crores in wet areas. We have also examined, often qualitatively and, wherever possible, quantitatively the nature and the magnitude of other abuses such as illicit distillation, smuggling, allied crime, the abuse of toddy and neera, of spirituous medicinal and toilet preparations and of molasses and other raw material both in dry and in wet areas.

(para 2)

In response to the second term of reference regarding practical measures for reducing the various malpractices, we have suggested an integrated set of remedies which amount to a multi-pronged attack from many directions in order to contain and eliminate these malpractices. The measures suggested by us have a wide range and include the use of new scientific appliances for the detection of inebriety the deglamorisation of drinking, the improvements in laws and the administrative machinery, the activating of the public opinion, a mass education and publicity programme and, indeed, an economic containment of the profits of illicit activity through a controlled liberalisation of toddy and other alcoholic drinks with less than 5 per cent alcoholic content in bulk

(para 3)

To meet the third and the sixth terms of reference about the implementation of the prohibition programme through voluntary organisations and official as well as non-official agencies, we have given suggestions which, we hope, will be found useful. We have, we believe, indicated the path which these organisations and agencies can adopt.

(para 4)

Yet another of our terms of reference was to examine the existing legislation and to make suggestions for removing the defects in law. Our suggestions have been fully elaborated in two detailed chapters and we have recommended amendments in penal, civil, special and procedural law and in the law of evidence. We have also advised the enactment of new provisions and indicated the lacunae in the existing laws.

(para 5)

In answer to the sixth term of reference, we have examined the existing administrative set-up in the wholly dry and the partially dry areas and made some suggestions, although our treatment of this matter is not yet complete and, we hope, to deal with it more extensively in the second volume.

(para 6)

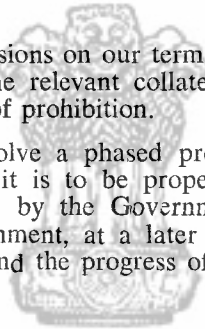
As finally, we were asked to study the financial aspects to the Prohibition programme. Subject to the difficulties of estimates, we have shown that the total revenue loss of all dry States is perhaps Rs. 40·1 crores and the cost of prohibition enforcement approximately Rs. 5·4 crores making a total financial loss of about Rs. 45·5 crores per annum. We have shown that this loss to the Governments in dry areas has been balanced through gains to the community to the tune of approximately Rs. 31 crores owing to a decline in the drinking bills of these areas. We reckon that the drinking bill will have to be cut still further in order that the whole loss of Rs. 46 crores is wiped off and turned into a net social gain. The present liquor excise revenue in wet areas is Rs. 56 crores per annum. We have shown that the annual loss of Rs. 80 crores or so which the wet States might incur, if they introduce total prohibition by 1975-76, will be more than offset through an increase of Rs. 382 crores in sales tax, luxury tax and central excise duties over the existing base of Rs. 458 crores.

(para 7)

While these are our conclusions on our terms of reference, we have also dealt in our Report with some relevant collateral matters which have an important bearing on a study of prohibition.

Our recommendations involve a phased programme which obviously requires constant vigilance if it is to be properly implemented. If these recommendations are adopted by the Governments concerned, it will be desirable if the Union Government, at a later stage, sets up a committee to assess the implementation and the progress of the integrated programme.

(paras 8 to 10)



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SUMMARY OF RECOMMENDATIONS

CHAPTER VII.—ALCOHOL RAISES SEVERAL PROBLEMS

(1) False value attached to liquor as worry-dissolvent is to be counteracted by widespread knowledge of its deleterious effects on the individual and the society.

(para 6)

(2) Social censure of inebriety by the community is desirable.

(para 7)

CHAPTER VIII.—ALCOHOLISM

(3) A modern treatment of alcoholism is to be developed by means of sensitisation therapy by using drugs, like disulfiram, Orinase and Diabinese under medical supervision.

(para 14)

(4) Adjunctive therapies should be tried to build up euphoria by using Adrenal steroids and Adrenocorticotrophic hormone along with vitamins under medical advice.

(para 17)

(5) A programme of treating alcoholics in institutions may be drawn up.

(para 18)

(6) Alcoholics should be encouraged to receive guidance from Alcoholics Anonymous.

(paras 22 to 24)

(7) Public education on alcoholism will forewarn its likely victims as to what is in store for them if they cannot curb their desire for liquor.

(para 25)

CHAPTER IX.—ALCOHOL AND THE ARMED FORCES

(8) A special study may be made on the alcoholic ravages vis-a-vis armed forces, particularly on its harmful effects on sight, hearing, sense of smell, accurate thinking, quick decisions, prolonged endurance, steady nerves and on ability to fix attention.

(para 17)

(9) In no case should army personnel be permitted to consume alcoholic beverages from contraband sources.

(para 16)

CHAPTER X.—THE DRINKING DRIVER AND MACHINIST

(10) A complete ban should be imposed on drinking by the driver while in charge of an automobile and on the machinist who is required to operate dangerous or delicate machines.

(paras 1 to 3)

(11) Law should raise an irrebuttable presumption that a person in whose system the blood alcohol content is 0·05% or above, is under the influence of liquor.

(12) There should be no liquor shops along frequented roads. There should be a dry belt of 5 to 10 miles' width on each side of the highways.

(para 12)

(13) All pilots in charge of aircraft, before flying, should be subject to compulsory Alcometer test.

(para 13)

(14) A driver whose blood alcohol is 0·05 per cent or more should be deprived of driving privilege for a year even if there has been no accident, besides a suitable deterrent sentence on conviction.

(para 14)

(15) Intensive educational campaign against the hazards of drinking while driving should be carried on through different media of communication.

(para 15)

CHAPTER XI.—ALCOHOL AND MEDICAL SCIENCE

(16) The widespread misconception as to the stimulating effects or curative properties of alcohol should be removed by disseminating the views of eminent medical authorities and its toll on health and longevity as discovered by medical science should be publicised, as also, that when taken internally it has no therapeutic use.

(paras 1 to 4)

(17) The leading members of the medical profession should take it upon themselves to inform medical men of the dangers involved in prescribing alcoholic beverages as remedies for ailments.

(para 29)

(18) The demonstrable scientific truths regarding alcoholic harm may be publicised by the physicians as that would help in creating a public opinion in favour of prohibition.

(para 31)

CHAPTER XII.—ACTION OF ALCOHOL AND DETECTION OF INEBRIETY

(19) Till appliances for detecting inebriety, like Alcometer, Drunkometer, etc. are introduced, the test for determining inebriety should be on the basis of a scheme requiring the noting down of history, general behaviour, memory and mental alertness, pulse, temperature, mouth, smell of the breath, eyes, visual acuity, muscle co-ordination, gait, stance, etc.

(para 10)

(20) The standard for determining sobriety should be rigid and receive statutory acceptance. We have suggested 0.05% of alcohol in the blood. It should be mandatory upon the courts to accept this standard.

(paras 15—17)

(21) Over blood tests, urine and breath tests have certain advantages and these should be tried.

(paras 19—21)

CHAPTER XIII.—*The Appliances for Determining Alcoholic Content*

(22) In preference to analysis of blood, the tests by Drunkometer, Alcometer, Intoximeter, Breathalyser, etc. are recommended, as they have the advantages of simplicity and accuracy.

(para 10)

(23) These tests eliminate delays and also help in exonerating the innocent.

(paras 10—14)

(24) In order that the breath testing appliances should win acceptance by the courts and the community, their working should be generally demonstrated and explained to law enforcement officers, to the members of the bench and bar, to the gatherings of automobile operators, to the members of automobile associations, to the student community and to the press.

(para 15)

CHAPTER XIV.—*The Problem of Illicit Distillation and Illicit Tapping*

CHAPTER XV.—*The Problem of Smuggling*

CHAPTER XVI.—*Bootlegging and Gangsterism*

(25) As illicit distillation and illicit tapping are widespread and present several problems, their close study by the agents of the enforcement and the public is recommended. We have a similar suggestion in regard to the problem of smuggling.

(26) As smuggling of liquors is intra-state, inter-state and also international, the powers and jurisdiction of the police both in the sending and in the receiving areas should be concurrent to enable pursuit and arrest of smugglers and seizure of their goods across the boundaries of a state.

(27) For chasing illicit distillers and smugglers and for seizing contraband goods and searching premises and for getting to grips with bootleggers and gangsters, the police should have better equipment in the nature of fastmoving transport vehicles and launches, telephone and wireless equipment, better manoeuvrability and more personnel besides the inebriety detecting appliances mentioned in chapter XIII.

CHAPTER XVII.—*Racketeering, Graft and Corruption*

(28) Greater vigilance is recommended to the government regarding racketeers and the corrupt government personnel. Closer watch and effective action is needed to counter the influence of the bootlegger in the depart-

ments of the government, in politics and in the society, as they are not only responsible for contravention of the laws but are encouraging general disrespect for laws.

(paras 14-15)

(29) As the members of enforcement who are themselves given to drinking cannot enforce dry laws with vigour and determination, in the selection of the enforcement agents, a close screening is necessary for checking their integrity and personal habits.

(paras 16-17)

(30) The activities of the anti-social elements in America during prohibition need being studied as they give a warning of what might happen in this country where the price for corrupting an official is less and hunger for wealth is more, and the menace of wealth-producing crime is likely to impose a heavy strain on administration. No expense should be spared for containing the anti-social elements and for curbing their character-undermining activities.

(para 19)

CHAPTER XVIII.—*Impact of drinking by the world of Fashion and officials*

(31) The convivial drinking by the upper strata should be curbed by creating a public opinion whereby it may be considered unfashionable to drink. The drinking youth will desist the moment drink is deposed from the high pedestal of prestige.

(32) Youth is to be prevented from drinking by means of psychotherapy and by driving home to them its harmful effects.

(33) The drinking parents have to abandon double standards and have to be themselves sober in order to stop their children from becoming inebriate.

(para 5)

(34) Half the battle for prohibition will be won if the government servants will stand fast by the dry cause and shed luke-warm attitude. In order that prohibition should succeed, the enforcement should be manned by officials who are teetotallers by conviction.

(paras 7 and 9)

(35) The present incumbents of Government posts who drink may be allowed to do so on permits.

(36) For the new entrants, abstinence from drinking should be a condition of service.

(37) The drinking government servants may not drink or serve drinks in public.

(para 9)

(38) The public men and social workers can serve the cause of prohibition better by their example, as better sermons have been preached with one's life than with one's lips.

(para 10)

(39) Those who are interested in prohibition have to break the delusive spell of glorification which has been cast by the votaries of Bacchus. The alcoholic beverages before they can be banished must be deglamorised.

(para 10)

(40) A strong public opinion along with governmental disapprobation of drinking can contain and curb the leanings of the society people and the officials.

(para 12)

CHAPTER XIX.—*Diversion and misuse of duty free imported liquor intended for Embassies and Missions in India*

In order to prevent diversion and misuse of duty free imported liquor intended for embassies and missions in India, the following recommendations are made:

(41) The government may appeal to all the foreign missions explaining that while it is not the intention to impose any restriction on the use of liquor by the mission or their staff, they should assist in restricting import to the absolute minimum necessary.

(42) A suitable procedure for signing/counter-signing the exemption certificate by the head of the mission or any official specially authorised by him may be introduced.

(43) The goods may be cleared or delivery taken by some embassy official against the authority issued by the head of the diplomatic mission or the diplomatic officer authorised in this behalf.

(44) Intimation of the receipt of the goods in the embassy premises or by diplomatic officer for his personal consumption may be sent immediately on the receipt to the local excise authority.

(45) The stock of liquor of the mission may be kept under the charge of some responsible officer.

(46) The head of diplomatic missions may request the individual diplomats not to order supply of duty free liquor more than the genuine requirements.

(47) The liquors supplied to missions and other privileged organisations should be contained in distinctive containers or bottles with specially embossed or marked labels possession of such liquor or such containers by a person who is not authorised to import this liquor to be an offence. The burden of proof should be on the accused to show how he acquired such liquor.

(48) Payment of all such liquor may be by official cheques signed either by the head of the mission or by one of its senior officials duly authorised.

CHAPTER XX.—*The problem of toddy and neera*

(49) The neera parlours, especially among the industrial workers given to toddy, should be popularised, by opening in industrial areas, attractively designed neera bars.

(50) Special efforts need being taken to make sure that Neera, which is susceptible to fermentation, stays unfermented or is consumed before fermentation sets in.

(Para 21)

(51) The palm industry needs developing on a large scale as it would materially ameliorate the economic conditions of the people.

(52) The Tad Gud and Shilpa centres like the one in Dahanu (Maharashtra State) should be increased with a view to develop large scale potentialities of the industry.

(Para 22)

CHAPTER XXI.—*Misuse of spirituous, Medicinal, Toilet and other Preparations*

Quotas of alcohol should be given to the manufacturing firms with reference to individual preparations after ascertaining their legitimate needs and not a general quota as at present.

(Para 4)

(53) In order to check misuse of spiritbased medicinal and toilet preparations, the quantity manufactured should be reduced and the manufacture of certain tinctures which serve no medicinal purpose should be stopped.

(Paras 15 and 18)

(54) There are a number of defects in the Drugs Act and it has to be suitably amended.

(Paras 19—23)

(55) The excise staff in the bonded laboratories should consist of qualified chemists and pharmacists.

(56) Only those drugs which are therapeutically active and are safe for use should be permitted to be manufactured.

(Para 24)

(57) A list of tinctures and other spirituous pharmacopoeial preparations which are essential may be drawn up and these alone should bear duty at concessional rate and the rest at a higher rate.

(Para 25)

(58) The recommendation of the Central Health Council that tinctures should be manufactured by government only and their total quantity should be fixed, is endorsed.

(Para 26)

(59) The Government should consider the production of all classes of spirituous preparations in the public sector as that would guarantee standardisation and purity and prevent misuse.

(Para 27)

(60) On the distribution side, the government should control the supply and restrict it to genuine needs.

(61) There should be a quality control over alcoholbased Ayurvedic preparations.

(Paras 31-32)

(62) As these preparations contain only self-generated alcohol, their manufacture by the addition of alcohol or by process of distillation should be prohibited. Ayurvedic preparations should be brought under the purview of Drugs Act.

(Paras 33-34)

(63) Ayurvedic pharmacopoeia should be prepared. But as this would take time, it would be desirable to lay down standards for some of the more common preparations like Asavas, Arishtas, Suras and Sudhas, without avoidable delay.

(para 34)

(64) The manufacture of homoeopathic tinctures should be restricted to bare requirements for *bona fide* purposes. These preparations should be packed in small containers, preferably 1 Oz. phials.

(para 35)

(65) It would be worthwhile investigating whether dilutions can be made by substances other than alcohol. It should be investigated whether all or most of the dilutions can be made by means of lactose instead.

(Para 35)

(66) To prevent misuse of denatured spirit, better denaturants than caoutchoucine and pyridine should be employed. There are more than 60 effective denaturants out of which a suitable choice can be made.

(67) The industrial alcohol which has numerous uses needs being effectively denatured to avoid its misuse as potable liquor.

(Para 37).

(68) The manufacturing houses and chemists and druggists dealing in spirituous preparations should maintain proper records so that persons to whom sales are being made may be traced.

(69) Chloral hydrate should not be allowed to be sold except to *bona fide* parties guaranteeing utilisation for *bona fide* use.

(Para 40).

(70) We endorse the eleven recommendations which were suggested by the Central Prohibition Committee in 1961.

CHAPTER XXII.—Prevention of misuse of molasses

(71) In order to prevent premature setting in of fermentation in the molasses by addition of water, covered storage should be provided. The

government should insist on the sugar factories providing covered storage and also assist sugar manufacturing co-operative societies.

(Para 6).

(72) Proper inspection of factories and constitution of a co-ordinating committee for more efficient utilisation of molasses is recommended.

(Para 8).

(73) Molasses produced by khandsari units should be collected at a few centres for use by the distillers and their sale in the open market prevented.

(Para 10)

(74) Ways and means should be devised to ensure that the entire quantity of molasses produced is utilised for manufacture of industrial alcohol and the essential industries are not in short supply in consequence of illicit distillers purchasing molasses on payment of high prices.

(Para 11).

(75) Any surplus molasses should be exported rather than made available to the illicit distiller.

(Para 13)

(76) Rigid control over the distribution of molasses will prevent the prevailing misuse.

(Para 14)

CHAPTER XXIII.—*Control of Other Raw Materials*

(77) The control of other raw materials which are being used as base material for making liquor is difficult, but a general watch should be kept over sources of misuse.

CHAPTER XXIV.—*The Relative Success of Prohibition in Gujarat and Madras*

78. Prohibition has achieved relative success in Gujarat and Madras, but there are at least five ways resorted to for making liquor available, which need prevention.

CHAPTER XXV.—*The attitude of Wet States Towards Liquor Revenue*

(79) The wet states should be induced to give up vice-bred liquor revenue. Lowering of the rate of liquor tax will to some extent reduce the profit of the illicit distiller.

(para 7)

(80) Sales tax is a more equitable substitute for excise tax.

(para 12)

CHAPTER XXVI.—*Liquor Strength Reduced to Increase Consumption*

(81) The wet states while reducing liquor strength ought not to attempt to increase the sale of liquor in order to raise the revenue by making more people drink.

CHAPTER XXVII.—*The Nature and Pattern of Drinking in India*

(82) Very little is being spent on recreation. More money should be spent on such activities with a view to divert the mind of the people given to drinking, and the potential drinkers.

(para 13)

CHAPTER XXVIII.—*The Magnitude of Illicit Distillation and the Drinking Bill*

(83) The dynamics of illicit distillation are compelling and deserve close examination. This is an essential step before effective means are devised to curb it.

(para 20)

(84) Apart from ascertainable cost of drink, there has to be taken into consideration the enormous though incalculable cost in terms of broken homes, neglected children, wasted lives, traffic accidents, damage to property, etc

(para 51)

CHAPTER XXIX.—*Financial Losses and Gains*

(85) Such decline in excise revenues as will result on the introduction of prohibition in the wet states can be more than offset by the gain to the community by savings made on the drinking bill and also through other taxes.

(paras 2-3)

(86) There is need for an integrated policy to reduce the popular preferences for liquor on the one hand and to conduct an onslaught on illicit distillation on the other.

(para 36)

CHAPTER XXX.—*The Nature of Remedies*

(87) The onslaught of the illicit distillers and smugglers can be more successfully resisted by an all out effort on an integrated basis through several measures: legal, administrative, educational and economic.

CHAPTER XXXI.—*Problems of Law Enforcement*

(88) The success of social legislation will depend upon the extent of determination with which the law supporting forces can stand against the law defeating forces. The balance can be imposed in favour of the former by propaganda and education.

(paras 8 and 9)

(89) When honest and sincere attempt is made to enforce a social reform legislation, it does not become futile simply because considerable resistance might be offered at the outset, provided the law has the backing of strong moral consensus.

(paras 11 and 13)

(90) The law should not be over-strained by making it do the work of the home, the church and the school, as it cannot supply the deficiencies of other agencies of social control.

(para 14)

(91) In order to secure ready enforcement, the principle underlying the law has to be rooted in the habits and customs of men.

(para 14)

(92) In order to make the legal precepts effective, those who wish to vindicate the law must bestir themselves and painstakingly undertake the allotted task.

(para 15)

(93) Law's contribution is felt only through human agencies which must be honest, earnest and efficient.

(94) Both coercive and educative methods have to be employed, in order to create a favourable social climate. We cannot recommend relinquishment of effort because of occasional or even recurring setbacks.

(para 16)

CHAPTER XXXII.—*Law and Liquor*

Witnesses

(94) The law should make it incumbent upon certain specified persons to assist the police or other enforcement agency not only by giving information of the commission of the liquor offence but also to assist at the time of raids and search and seizures of exciseable articles as contemplated in Sections 44 and 45 of the Code of Criminal Procedure.

(95) Just as there is maintained a list of jurors—*vide* Sections 321-322 of the Cr. P.C. there should be a similar list of men from the public who may be associated for assisting the enforcement at the time of the raids, searches and seizures. A list of such persons should be maintained for every city, taluka or village.

(96) The accompaniment of witnesses to search and seizure (panch or mahazar witnesses) may be dispensed with where their presence is not easily procurable. In such cases, the testimony of the police-men should be considered sufficient for the purpose of conviction if it is otherwise creditable. But such police personnel should be of the rank of Assistant Sub-Inspector or above.

Summary Trials

(97) Offences against Prohibition under the liquor laws should be triable summarily and Section 360 of the Code of Criminal Procedure should be suitably amended.

(para 10)

Non-bailable offences

(98) The liquor offences, on the whole, should be made non-bailable with the exception of comparatively minor or technical offences.

(para 11)

Mobile Courts

(99) Mobile courts should be provided to try offences under Excise Law.

(para 12)

Judicial Panchayats & Hony. Magistrates

(100) Judicial panchayats, wherever they are functioning should be entrusted with disposal of prohibition cases where the offence is comparatively minor. Similarly, the institution of Honorary Magistrates wherever it functions will be useful in disposing of similar prohibition cases.

(para 13)

Providing Minimum Sentences

(101) In all cases of repetition of offences, there should be provided a minimum sentence of imprisonment and in more serious cases even the first sentence should be a term of imprisonment besides a fine.

(paras 14—15)

Register of Previous Convicts

(102) There should be a central office in every State with branches in the district headquarters where lists of persons convicted under various Penal Acts including liquor offences are maintained, containing entries giving necessary particulars of their convictions.

(para 16)

Onus on Accused

(103) Where consumption of an intoxicant is an offence and where it is found that the accused person had consumed liquor and the concentration of alcohol in his blood was not less than 0.05% by volume, then the burden of proof that the consumption of liquor was in circumstances which do not make it an offence, should be on the accused.

(para 17)

Onus as to Jurisdiction

(104) An amendment in Section 66(b) of the Bombay Prohibition Act, 1949, is called for and it is suggested that the point in the above decision will be met if a sub-section were to be added reading as under :

“In a prosecution under Section 66(b), for consumption of an intoxicant, it shall be presumed, until the contrary is proved by the accused that he consumed alcohol within the jurisdiction of the court where he was found”.

(para 18)

Destruction of Stills, etc.

(105) The law should confer a power upon officers of the enforcement of certain rank and above to destroy stills and other paraphernalia without obtaining the permission of the magistrates.

(para 19)

Imposition of Collective Penalties

(106) Where illicit distillation goes on persistently, the law should provide that after giving warning, such areas may be notified and collective penalties imposed.

(para 20)

Special Taxes

(107) Where illicit distillation is rampant recourse may be had to provisions of levying special taxes which may be enacted in the State laws.

(para 21)

Removal and Exclusion from Certain Areas

(108) On the analogy of Section 57(C) of the Bombay Police Act, 1951, power should vest in the District Magistrate or some other authority in the district, of directing a person who has been convicted of violating prohibition laws to remove himself outside the area for a specified period within the local limits of his jurisdiction and not to enter or to return to the area, if there is reason to believe that such a person is likely again to engage himself in the commission of an offence, similar to that for which he was convicted.

(para 22)

Execution of Bonds for Good Behaviour

(109) Where a magistrate receives information that any person habitually commits, or attempts to commit or abets the commission of an offence of import, export, transport, manufacture, etc. of intoxicants or possesses them illegally, he may require such a person to show cause as to why he should not be ordered to execute a bond with surties for his good behaviour for a period not exceeding three years.

(para 23)

Forfeiture of Real Property

(110) In the case of breach of liquor laws, even immovable property which is being used for that purpose can be forfeited.

(111) In view of extreme severity we hesitate to recommend adoption of such a drastic measure except perhaps in cases of incorrigible offenders who cannot otherwise be deterred.

(para 24)

Electoral Disqualification

(112) In case a person has been convicted under liquor offences, he should be disqualified either to contest election or to be nominated for membership of panchayat, samiti, parishad, Legislative Assembly, Legislative Council, Lok Sabha, Rajya Sabha or hold any other electoral office.

(para 25)

(113) If a person has been convicted during the period when he is the member of above said bodies, he should cease to hold such an office. The disqualification in such cases should exist for a period of five years from the date of conviction.

(para 25)

Government Servants

(114) Government servants, village officers, lambardars, Zaildar, Sufaidposh, Patels, Karnams, Talaiyaris or by whatever name they are called in any part of the country may be made liable to removal on being found guilty of such offences.

(para 26)

Chemical Analysts in each District

(115) The provisions should be made for having chemical analysis done in every district.

(para 27)

(116) In order to expedite the trials of such cases, a provision should also be made that the statements of the witnesses should be recorded by courts without waiting for the report of the chemical analyst.

(para 28)

Joint Possession

(117) The person in respect of whom there is reason to believe that he was aware of the existence of such intoxicating liquor or drug in the premises, vehicle or other place, should be liable to punishment unless he proves to the contrary. Section 35 of the Arms Act furnishes a model for adoption.

(para 29)

Contraband Sources

(118) It should be a very grave offence for a person entitled to the use of liquor on account of his being in military service, who misuses the quota intended for him for unprivileged persons.

(para 30)

Club Licences

(119) The laws with regard to clubs, if they are at all allowed to hold liquor licences, should be modified on the pattern of Sections 91 and 97 of the Licensing (Consolidation) Act, 1910 of the United Kingdom.

(para 31)

(120) There should be restriction for sales on credit. No person shall either by himself or by any servant or agent sell or supply in any licensed premises or club any intoxicating liquor to be consumed on the premises; or consume any intoxicating liquor in such premises or club unless it is paid for before or at the time when it is sold or supplied.

(para 31)

New Provisions in Liquor Laws

(121) The laws relating to intoxicating liquors in the United Kingdom and the United States of America are far more stringent and comprehensive than the laws in our country and we will recommend that some of them should find place in our statutes. The provisions should relate to :

- (a) the duties of the keepers of liquor shops;
- (b) burdening the accused with costs of prosecutions;
- (c) punishment for witnesses refusing to give evidence;
- (d) drunken riotous person;
- (e) drunken person in charge of any vehicle;
- (f) drunken person in charge of minor under 7;
- (g) protection given to the husband and wife against inebriate partner;
- (h) attempting to procure liquor for drunken person;
- (i) person sending minor under 14 in a liquor shop etc.;
- (j) supplying liquor to constable on duty;
- (k) restrictions on pawn brokers;
- (l) spending some part of fines for development purposes;
- (m) limitations on use of intoxicants in field of medicines etc.;
- (n) ban on advertisements;
- (o) definition of intoxicating liquor;
- (p) plea of ignorance of contents of liquor;
- (q) vicarious responsibility in case of manufacture of intoxicants, sales etc. by the wife, children, etc.,
- (r) the place of manufacture of liquor to be common nuisance;
- (s) the vehicles, rooms etc. where offences relating to liquor laws are committed being subject to lien for fines etc.

(para 32)

Changes in Laws Other Than Liquor Laws.

“Under Influence of Drink”

(122) The expression “drunkenness” or “intoxication” in various enactments should be substituted by “under the influence of drink or drugs”.

(para 34)

Air Force Act, Army Act and Navy Act

(123) For the words “guilty of drunkenness” as used in Section 52 of the Navy Act and “found in a State of intoxication” as used in the Air Force Act, 1950 and the Army Act (Section 48), the words “under the influence of drink or a drug” should be substituted.

(para 36)

Inland Vessels Act, Railways Act.

(124) Section 63 of the Inland Vessels Act, 1917 refers to "drunkenness" and Section 100 of Indian Railways Act to "state of intoxication" on the part of respective personnel. Wherever "drunkenness" or "intoxication" is punished, the standard should rather be of being "under the influence of drink or drugs".

(paras 39 & 40)

Government Servants

(125) Absolute sobriety should be insisted upon by law, from government servants and others, who are called upon to discharge duties requiring high standards of discipline, responsibility, efficiency or accuracy, *e.g.* members of medical services, nurses, teachers, prison officers, persons engaged in factories, mines, etc.

(para 42)

Section 510 of the Indian Penal Code

(126) Punishment under Section 510 of I.P.C. (1860) under section 34 of Police Act (1861), be enhanced and in the case of a subsequent offence, the offender should receive a compulsory sentence of imprisonment.

(para 43)

Indian Telegraph Act

(127) Section 28 of the Indian Telegraph Act ought to be amended, so as to make all servants of the Telegraph Department liable to punishment if they discharge their duties while "under the influence of liquor or intoxicating drug".

(para 44)

The Merchant Shipping Act

(128) In Sections 243 and 377 of the Merchant Shipping Act, 1958, "drunkenness" should be substituted by the words "under the influence of drink or drug".

Motor Vehicles Act.

(129) Driving or attempting to drive a motor vehicle on a road or other public place when a person is unfit to drive through drink or drug should carry besides the conviction under Section 117 of the Motor Vehicles Act (1939) also an obligatory disqualification for a period of at least 12 months from the date of the conviction, unless the court for special reasons thinks fit to reduce the period of disqualification to six months.

(para 46)

(130) Sections 17 and 117 and allied Sections should be modelled on Sections 6, 11, 104, 109 and 111 and Schedule 11 of the English Road Traffic Act, 1960.

(*ibid*)

(131) Operating of the car may also be made punishable though it may not be an attempt to drive.

(*ibid*)

(132) The fact of conviction should be endorsed on the licence and the licensing authority should also be informed so that on its relevant register an entry of conviction and disqualification for holding a licence to drive may also be entered.

(*ibid*)

Bicycle Riding etc.

(133) On the pattern of Section 11 of the English Road Traffic Act, 1960 law in our country should provide punishment for a person riding a bicycle on a road or other public place while he is unfit to ride through drink or drugs.

(para 47)

(134) Penalties should also be imposed upon persons driving vehicles other than motor vehicles whether animal driven carriages or other mechanically propelled vehicles.

Changes Proposed in Laws of Evidence

We suggest the following amendments in the Laws of Evidence relating to liquor offences:

(135) in the case of intoxicants courts should take judicial notice of the intoxicating properties of well-known alcoholic beverages;

(136) a court may take judicial notice of the facts,

- (a) that the essential elements in all spirituous liquors is alcohol;
- (b) that certain articles are commonly used in the manufacture of prohibited liquors;
- (c) that well-known alcoholic beverages have distinctive odour;
- (d) that the intoxication increase the probability of being involved in an automobile accident;
- (e) that intoxicated person is capable of particular intent.

(137) The Legislature should make provision as to what may be *prima facie* evidence. Such presumptions may be:

- (a) that the essential elements in all spirituous liquors is alcohol, violation of law;
- (b) that a certificate of public analyst is a *prima facie* evidence of the alcoholic contents of liquor;
- (c) that the defendant had no legal permit or authority to possess, sell, transport, export, import intoxicating liquor;
- (d) that the liquor was not intended to be used for chemical, mechanical, medicinal, pharmaceutical, sacramental, scientific or industrial purposes;
- (e) presence of drunken persons, materials used in distillation etc. are *prima facie* proof of nuisance;
- (f) possession of intoxicants above a certain quantity should be *prima facie* proof that they were intended for sale;

(138) In the case of drinking drivers the following presumptions may be made :—

- (a) where there is less than 0·05% alcohol in the blood or equivalent amount in other body fluids or breath the subject shall be presumed not to be under the influence of alcohol,
- (b) where there is 0·05% or more alcohol in the blood or other body fluids or breath the subject shall be presumed to be under the influence of drink.

(para 50)

(139) The following amendments may be incorporated in the Laws of Evidence :—

- (a) An inference of guilt may be drawn from attempts to suppress evidence or destroy intoxicating liquor, its containers, apparatus, still etc.
- (b) In a prosecution for sale of liquor to a habitual drunkard his general reputation be considered.
- (c) Opinion evidence based on sight tests and smell of intoxicants may be admissible.
- (d) The opinion evidence of non-expert should be made admissible as to whether a person is intoxicated.
- (e) Evidence based on smell alone should be made admissible; without being able to describe the odour.
- (f) Evidence of an expert based on tests conducted by him should be made admissible.
- (g) Evidence of witness who recognises liquor by its odour should be admissible.
- (i) Analytical results made on blood samples taken from an unconscious person should be admissible.
- (j) The testimony furnished by the drunkometer tests may carry a presumption of correctness.
- (k) Tests of intoxicants from breath, urine or blood should be made admissible, whether done with or without the consent of the accused.

(paras 52—63)

(140) The test for determining alcohol once shown to have been conducted by a competent person should be treated as conclusive.

(para 66)

(141) Our law should recognise that every person who operates a motorvehicle on the public highway of the state shall be deemed to have given his consent to submit to a chemical test of his breath, blood, urine or saliva for the purposes of determining the alcoholic contents of his blood. If the accused refuses to give a sample for testing his licence to drive ought to be revoked.

(para 71)

The following presumptions may be raised :

- (a) A label on the bottle may be presumed as indicative of its alcoholic contents;

- (b) the appearance of the vendee may be admissible in order to determine his age;
- (c) the reputation of the consigner as trafficker may be admissible;
- (d) the knowledge of the lessor about his premises may be inferred from the reputation of the place.

(paras 73—76)

NEW CIVIL DAMAGES LAW RECOMMENDED

Vicarious Liability

(142) The law should hold the furnisher of intoxicating beverages vicariously liable for the injury caused by a person to whom drink was furnished for his consumption.

(para 77)

Injury or Loss to Property

(143) The Plaintiff should be entitled to obtain damages in case of injury or loss to his property occasioned by the defendant's sale or furnishing of intoxicating liquor from him.

(para 78)

Damages for Injury to Means of Support

(144) The law should provide right of action for injury to means of support.

(para 79)

Care of the Person Intoxicated

(145) The seller of liquor should be made liable for the care of the person being intoxicated in consequences of the sale of liquor to him.

(para 82)

Service of Notice on Seller

(146) The wife or the others specified relatives of a person who is a habitual drinker should be given a right to give notice to liquor seller not to supply him with liquor. If despite notices, liquor is supplied an action for damages may be allowed.

(para 83)

Right of Parent or Guardian of Minor

(147) A right should be given to a parent or a guardian of a minor to institute a suit for damages where intoxicants have been furnished to a minor.

(para 84)

Suit by Dependents

(148) An action may be allowed where a person's drunken condition has deprived him of the normal use of his faculties so as to incapacitate him from protecting himself against danger to which by reason of intoxication he has been exposed.

(para 85)

Minimum Damages

(149) The law should indicate a minimum sum which may be allowed as damages in the event of the plaintiff's suit being decreed.

(para 86)

Right to Sue be Given to Specified Persons

(150) The persons on whom the statute may confer the right to sue the supplier of drink may be specified.

(para 87)

Seller to be Liable for Agent's Acts

(151) The liability of the seller of drinks should be made vicarious and he should be liable in damages for injuries caused by his agents or servants acting within ordinary scope of their employment.

(para 88)

Insurance Policy

(152) In order to ensure the realisation of decretal amount on execution being sued out, law should make it obligatory upon the liquor seller to take out a policy of insurance similar to the one contemplated by Section 94 of the Motor Vehicles Act, 1939 against third party risks.

(para 90)

Special Law for Habitual Drinkers retreats and reformatories

Law for Habitual Drinkers

(153) Law should provide for the special treatment of habitual drunkards.

(para 93)

Retreats and Reformatories

(154) Two types of retreats and inebriate reformatories can be provided, where admission can be ordered by courts and, where admission can be sought by the inebriate at his own desire.

(para 95)

Property to be in Custodialis

(155) The property of the habitual drunkard should be put under the custody of the court and should not be disposed of except under court's order.

(para 99)

Suit by or Against Inebriate

(156) The drunkard may be enabled to sue or be sued through a committee or the guardian appointed.

(para 100)

Reformatories

(157) Two classes of reformatories may be provided:

- (i) to which are sent such habitual drunkards where there is expectation of reformation;
- (ii) to which are sent worse type of offenders. These may be like prisons.

(para 105)

Inebriates in the United Kingdom

(158) Our laws should be modelled on the pattern of the inebriates Act 1898 of the United Kingdom authorising detentions of inebriates, repeatedly convicted for specified offences.

Trial to be Given to Retreats and Reformatories

(159) Detention in retreats, and reformatories, and in suitable cases, probation should be given a trial.

(para 109)

Hints for Investigating Officers

(160) The statement of the witnesses should be recorded under section 161 of the Criminal Procedure Code.

(161) Photographers should be associated at the time of raids.

(162) The prosecution should provide full proof that the incriminating articles which was seized be sent for chemical examination. All the connecting links from the time of seizure till the time of reaching the office of the analyst should be supplied.

(163) Sufficient proof of conscious possession of the incriminating article should be given.

(para 110)

CHAPTER XXXIII.—PUBLIC OPINION AND HUMAN NATURE: SOME MISCONCEPTIONS

(164) The opinion of an individual expressed in public is not the opinion of the public though claimed as such. Every tendentious writing in a newspaper is not public opinion.

(para 6)

(165) The prohibitionists should realise that the cause of prohibition suffers less from the onslaught of those who believe in freedom to drink than at the hands of those who themselves do not drink but dare not voice their opposition.

(para 8)

CHAPTER XXXIV.—ROLE OF THE PRESS

(166) The press can promote prohibition by bringing to the notice of the readers, the risks and dangers of addition to alcohol by publicising alcohol caused evils in the sphere of home, health, economics, accidents, crime, etc. The press can throw light on incontrovertible scientific facts as to the harmful properties of alcoholic beverages.

(167) The newspapers should tell how drinking drivers cause accidents
(para 8)

(168) The press can censure lax enforcement and bring to light weaknesses in the enforcement, including corruption. The press should pull its weight on the side of sobriety. The approach should be objective avoiding as much *suggestio falsi* as *suppressio veri*.

(para 10)

CHAPTER XXXV.—PROHIBITION THROUGH MASS EDUCATION AND PUBLICITY

(169) In order to propagate the cause of prohibition, information based on factual data is likely to carry a deeper appeal than suasion on an emotional plane.

(para 2)

(170) Prohibition campaigns should be organised on the pattern of the Anti-Saloon League of America which published books, leaflets and weekly and monthly magazines by the billion.

(para 3)

(171) The campaign by the National Committee of Poland in 1961 which arranged 14,000 lectures, 200 exhibitions, 250 cultural events, provided material for 10 movies and distributed 2 million leaflets and posters, is worthy of emulation, as also the campaign by an organisation of 1200 medical students.

(paras 4 to 5)

(172) Efforts should be directed to dispel the pessimistic mood of apathy, listlessness and inertia which impedes the reformer's work.

(para 7)

(173) A warm, vibrant living public opinion should be created against drinking and in support of prohibition.

(para 8)

(174) Strong laws, vigorous enforcement and stiff penalties will deter the violators to some extent; but more so, a vigilant and determined public made alive to the dangers of inebriety.

(175) A nation-wide effort on the basis of a systematic nation-wide programme will be productive of better results. The sinister resistance to prohibition from liquor lobbyists and venal enforcement should be arrested.

(para 12)

(176) The approach of social workers should be scientific rather than sanctimonious and the work must be entrusted to persons imbued with a living faith in prohibition.

(para 13)

(177) The medical profession should undergo a refresher course in order to re-equip itself with medical truths regarding alcoholic caused harm which should be brought to the notice of the masses.

(para 14)

(178) The mass media of communication, including press, pulpit and the screen, should be utilised in publicising alcohol caused deprecation in the form of pauperism, domestic infelicity, neglected children, delinquency, disease, promiscuity and crime, as also alcohol's death dealing role on the road.

(para 16)

(179) There is a great scope for religious therapy as the founders of all religions, the saints, the savants and distinguished men, have reprobated the use of alcoholic drinks. Their injunctions and sayings can be collected and these will furnish a good basis for influencing the minds of the youth and of the religious minded men and women, and for illustration *vide* paras 18, 19 and 20.

(180) The views of great sportsmen who acquired fame by eschewing liquor need being better known among the teenagers and the adolescent.

(para 21)

(181) The Bharat Sadhu Samaj should take up the work as they have got a great hold in certain sections of Indian society.

(para 22)

(182) The educators should study the basic facts and philosophy and bring home to the people the unfortunate results on account of the impact of alcohol.

सत्यमेव जयते

(para 23)

(183) The numerous alcohol caused problems should be highlighted.

(para 24)

(184) The tempo of educational campaign has to be kept up at a steady pressure.

(paras 23 & 25)

(185) Those who are interested in the prohibition work should be able to refute half-truths and false arguments usually advanced to mislead the gullible and the impressionable.

(para 30)

(186) The growing awareness of the alcoholic danger should be brought home by devising special programmes including audio-visual aids, seminars, special periods in schools and colleges, cultural programmes, dramatic performances, poetical symposia, 'shivirs', etc.

(para 32)

(187) Women's organisations on the pattern of women's crusade in America will go a long way in bringing home the good results of prohibition.

(para 33)

(188) The text-book crusade is equally important as it will have abiding effect upon the minds of the school-going children.

(para 35)

(189) A relentless and ruthless exposure of the liquor evil should be pursued with vigour and determination.

CHAPTER XXXVI.—ROLE OF VOLUNTARY ORGANISATIONS

(190) We endorse the recommendations made in the Third Plan.

(para 3)

(191) The State government should associate voluntary agencies with the work of prohibition.

(paras 5 & 6)

(192) It would be desirable to open a net work of Nasha Bandi Lok Karya Kshetras throughout the country. There should be one such Kshetra in every district and in important industrial projects and urban areas.

(para 7)

(193) The Government may consider the possibility of opening at least five Kshetras in each State, directly from the Centre, to give initial push to the programme.

(para 9)

(194) There should be effective non-official coordinating agencies at the Central, State and District levels.

(*ibid.*)

(195) Steps may be taken to open prohibition councils in all the States and their units at a district level.

(*ibid.*)

(196) These councils may be strengthened and given necessary financial assistance. They should be under All India Prohibition Council which has been started.

(para 8)

(197) The Government should consider the possibility of associating All India and State Prohibition Council with Lok Karya Committees.

(para 9)

(198) The workers should be trained for carrying their tasks effectively. The training should cover all aspects—economic, social, psychological and also the matters and techniques of approaching the people.

(199) The training should be such as would help the workers to acquire proper skill and sympathy to handle the addicts and new victims.

(para 10)

(200) The Planning Commission is setting up a Central Training and Research Institute on Public Cooperation. This Institution should be developed as a National Institution.

The institution should impart theoretical, field and practical training.

The training should be financed out of funds earmarked for educational work on Prohibition under public cooperation programmes.

(paras 11 & 12)

(201) It will be desirable if the elective system is eliminated in the matter of selection of non-officials, persons may be taken representing different interests, groups and social strata.

(para 14)

(202) There should be separate wing of women prohibition workers and university students.

(para 15)

(203) The Central and State councils should on the advice of the publicity experts chalk out a programme and produce literature in the form of tracts, pamphlets, charts, statistics, bills, posters, cartoons, pictures, etc.

(204) The members of the non-official organisation should develop direct contacts with the people including those who are addicts and also their dependants.

(para 17)

(205) Every panchayat should be made to realise and shoulder the responsibility of eradicating the drink evil from the village.

(para 18)

(206) A scheme for awarding prizes to the villagers may be formulated for making the prohibition a success.

(para 20)

(207) The Government should not open liquor or toddy shops at religious fairs and festivals.

(208) Advantage should be taken of kathas and such other functions in order to propagate prohibition.

(para 23)

(209) The mobile parties of good singers of folk songs should go round the village propagating about prohibition. Similarly 'shivirs' and dramas should be arranged.

(para 24)

(210) Welfare and recreation activities in healthy atmosphere can play an important part.

(para 25)

(211) People should have restaurants-cum-clubs where they could gather and refresh themselves with non-alcoholic beverages.

(para 26)

(212) Special films on prohibition should be exhibited at prohibition 'shivirs' and 'sammelans'. The radios should also be used for the work of prohibition.

(para 27)

(213) Attractive magazines in all regional languages will go a long way in instructing, entertaining and educating the readers.

(para 29)

(214) Research studies and surveys are necessary for effective handling of the problems of enforcement by the State Governments.

(para 32)

(215) The matter of prohibition should be taken in the Central Committee on Prohibition. The Central Government may consider sympathetically for making a financial provision which should not be less than Rs. 1 crore.

(para 34)

CHAPTER XXXVII.—ADMINISTRATIVE SET UP IN THE STATES

(216) Enforcement of prohibition should be the responsibility of the police.

(para 48)

(217) The staff at the station house level and the circle level be increased by 10%.

(para 51)

(218) A careful analysis should be made either by the D.I.G. or by the I. G. of police to assess the quality of work.

(para 50)

(219) A mobile force should be at the disposal of the circle inspector and the deputy supdt. of police for stamping out illicit distillation in their area.

(para 51)

(220) A separate transport, a jeep, motor cycle, etc. should be supplied at each police station.

(221) A mobile squad should be constituted for each of the districts where illicit distillation and sale of liquor is found to exist on considerable scale.

(para 52)

(222) The corruption in the force can be guarded against to some extent by:—

- (a) surprise visits by higher officials (*incognito*);
- (b) creation of mobile squads; and
- (c) prompt attention to the posts from the public against corrupt officials.

(para 54)

(223) There is no arrangement for a foundational course of training for the enforcement staff except on a very limited scale in some of the states. Adequate arrangements should be made for such training courses. Periodical refresher courses may also be organised.

(para 55)

(224) The personnel deployed for prohibition should have belief in the prohibition programme and should be able to resist temptation and do their job efficiently. A system of special reward for meritorious work and also severe punishments for lapses on their part should be instituted.

(para 56)

(225) Wider opportunities for discussions and exchange of intelligence among the officers related to the difficulties encountered during the enforcement of prohibition laws should be provided.

(226) A journal should be brought out by the Prohibition Intelligence Bureau giving the techniques adopted by the illicit distillers and bootleggers, practical difficulties encountered in detecting cases.

(para 57)

(227) The Minister incharge of the enforcement agency should also hold the portfolio of prohibition.

(para 58)

(228) At the state level State Prohibition Boards should be created, with the Home Minister or the Minister for Prohibition as its president and consisting of non-officials to advise the government. Such non-official bodies should also be constituted at the district and taluka levels.

(para 59)

CHAPTER XXXVIII.—THE ECONOMICS OF INTOXICATING LIQUOR IN WET AREAS

(229) The system of granting licences during good behaviour with a nominal licence fee has great advantages over the alternate system of bidding and a heavy licence fee.

CHAPTER XXXIX.—POLICY FOR WET AREAS

(230) The recommendations made in Third Five Year Plan detailed in para. 1 are endorsed. They call for early implementation.

(para 1)

(231) For wet areas we recommend a four phased programme as detailed in paras 4 to 13.

(232) Though 12 years is outside limit, it would be better if the wet states could condense the four phases within a shorter period preferably by 30th of January, 1970 when the birth centenary celebrations of Mahatma Gandhi are going to conclude.

(233) Minimum guarantee system would not suit the phased programme.

(para 20)

(234) The proof strength of liquor be reduced and the liquor be bottled in distillery or the warehouse instead of at the retail shop.

(para 22)

(235) In the second phase public consumption of alcohol may be stopped by cancelling all on-licences and the licences for clubs, hotels and other public places should be gradually curtailed.

(para 23).

(236) Finally the liquor trade must not be run for private profit and there should be full control over bonded warehouses breweries and distilleries, and if need be they should be shifted to the public sector.

(para 24).

CHAPTER XL.—*Foreign Visitors and Prohibition*

(237) In places outside the three dry states, where rules forbid drinking in public, a room may be set apart in high class hotels for the exclusive use of foreign tourists residing in the hotel and their guests, where they may have the facility for meals and alcoholic drinks.

(para 3)

(238) In the case of other foreign residents in India such as diplomats, technicians, businessmen, etc., etc. the same facilities should be allowed. The production of the passport should be sufficient evidence of a person being a foreigner. *

(para 5)

(239) The rules requiring the observation of dry days may be relaxed in the case of a foreigner.

(para 5)

(240) The place from where the foreigner purchases his drink, whether a hotel or a shop, should maintain record indicating the purchaser's name, address and the passport number.

(para 5)

(241) For the purposes of obtaining drinks persons of Indian origin but domiciled abroad may have the same facility as any other foreigner.

(para 5)

CHAPTER XLI.—*The basis of permit system for hard liquors.*

(242) At initial stage alcoholic drinks of very mild variety, in particular those which are not harmful and do not cause drunkenness in the generality of cases, may be allowed on permits, under controlled conditions and the permit system for hard liquors may be strictly rationalised.

(para 1)

(243) For addicts and habitual drinkers the use of alcohol should be allowed in order to relieve acute distress. The permits on ground of addiction or habituation must not be granted to persons below the age of 40. Persons below 40 years may seek permits for milder varieties.

(paras 9 and 10)

(244) It is necessary that the date by which applications for hard liquors should be made be specified. No application after the last date should be entertained for hard liquors.

(para 11)

(245) The grant of permits should be confined on medical grounds alone to addicts who may suffer from sudden stoppage of liquor. No permits should be granted on grounds of health.

(246) Before issuing permits the level of the income of the applicant, the number of dependents and other circumstances should be taken into consideration.

(247) A board consisting of a nominee of the executive authority, a reputable social worker and a representative of the medical department should examine the applications for permit.

(248) Persons engaged in certain hazardous occupations must under no circumstances be given hard liquor permits.

CHAPTER XLII.—*The economic containment of illicit distillation: The case for mild liquors*

(249) If mild alcoholic beverages are allowed on permits and under controlled conditions the phenomenal profits made in illicit liquor may be reduced.

(para 1)

(250) In the case of light liquors no permits be issued to persons below 30 years.

(para 9)

(251) The authority to issue permits for light liquors of foreign variety need not be a board but a nominee of the executive authority.

(para 6)

CHAPTER XLIII.—*Case for liberalisation of toddy*

(252) The toddy may be allowed to be served subject to the following safeguards:—

- (i) a ceiling of 5 per cent alcohol in bulk should be fixed;
- (ii) the production and the sale of toddy should be under government control;
- (iii) wherever possible, bottling to guarantee standard, and refrigeration to stabilise alcoholic strength should be provided;
- (iv) the drink may be consumed only at the place of sale and not be allowed to be taken home;
- (v) the quantity of toddy that can be served to an individual should be suitably limited and the vendor or barman should be under statutory obligation not to violate this condition;
- (vi) the price of toddy and the tax element if unavoidable should be kept as low as possible with a view to dissuade people from drinking the hard product of illicit distillation;
- (vii) drinking should be allowed only within regulated hours;
- (viii) steps should be taken to remove the possibility of stale drink being served or of injurious substance being mixed;

(ix) the production and sale of toddy within a radius of 5 to 10 miles of palm gur centres should be stopped;

(x) there should be an age limit of 21 years below which no consumer may be served the drink.

(para 4)

(253) The suggestions with regard to toddy as given above are not intended to be adopted by the States of Gujarat and Madras.

(para 5)

(254) In order to give effect to the proposals certain safeguards will have to be built into the system.

(para 7)

(255) In case of scheduled tribes and adivasis a change has to be brought about in their mental approach and social outlook through the more enlightened members of their community, than through pressure of law.

(para 10)

(256) The following measures are suggested in the case of adivasis and scheduled tribes.

- (i) The adivasis or scheduled tribes with whom drinking is traditional may be allowed to brew such beverages to which they are accustomed for their consumption only.
- (ii) They should not be allowed to raise the alcoholic strength by adding strong catalytic agents.
- (iii) For serious crimes committed under the influence of liquor, no lenity need be shown by reason of the fact that the accused had primed himself with liquor in order to mentally prepare himself for commission of the crime.

(para 10)

(257) The States which are satisfied that no relaxation of prohibition in the case of scheduled tribes or adivasis living there is called for, need not liberalise drinking facilities.

(para 11)

CHAPTER XLIV.—*A critique of the recent liquor policy announced in Maharashtra*

(258) The permit system according to the recent policy of government of Maharashtra will be perpetuated and this must be avoided.

(para 8)

(259) The free availability without permits of mild alcoholic drinks will add to the number of addicts.

(para 8)

(260) No permit should be allowed on health grounds, but only on grounds of addiction and serious habituation.

(para 10)

(261) No liquor permits for hard drinks should be allowed to persons below 40 years. The rule for granting permits on the certificate of a registered medical practitioner is no check for the *bona fides* of the applicant.

(para 13)

(262) There is no justification for liberalisation of the grant of permits for mild drinks to persons from the age of 21 years.

(para 14)

(263) The proposed stepping back will not enable the government to spring forward.

(para 16)

CHAPTER XLV.—*Conclusions*

(264) If the recommendations are adopted by the governments concerned, it will be desirable that the Union Government sets up a Committee after a suitable time to assess the implementation and progress of the integrated programme.

(para 10)



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